

Exhibit 5(b)

MARYWOOD UNIVERSITY PLANNING ADVISORY COUNCIL

(Approved by the President 11/5/02, 1/27/05)

Title

Marywood University Planning Advisory Council

Purpose and Function

The Marywood University Planning Advisory Council is an advisory group to the President of the University on strategic planning. The Council may create ad hoc committees from the Marywood University community to assist in its work.

Membership and Selection

President of the University (Chair)
 Provost and Vice President for Academic Affairs
 Vice President for Business Affairs
 Vice President for University Advancement
 Vice President for Student Life
 Vice President for Enrollment Management
 Chief Planning Officer
 All academic deans
 Executive Director of Marketing Communications
 One full-time or pro rata faculty member from each college
 One professional staff member
 One support staff member
 One undergraduate student
 One graduate student

The faculty members are elected from the full-time and pro rata faculty of each college. Elections are conducted by the Election Committee for Primary University Standing Committees.

The professional staff member is elected by the Election Committee of the Professional Staff Senate. The support staff member is appointed by the President of the University.

The undergraduate student is appointed by the Executive Board of the Student Government Association in consultation with the Vice President for Student Life.

The graduate student is appointed by the President of the Graduate Student Council in consultation with the Vice President for Student Life.

Term

Faculty members – three years, eligibility for election limited to one additional, three-year term
 Professional staff member – three years, eligible for reelection to one additional three-year term
 Support staff member – three years, eligible for reappointment to one additional three-year term
 Students – one year, eligible for reappointment

Meetings

Meetings are held at least once a semester at the call of the President of the University.

Reports to

President of the University

POLICY COMMITTEE OF THE UNIVERSITY

(Revision approved by the President 11/8/02, 4/17/04)

Title

Policy Committee of the University

Purpose and Function

The Policy Committee is the final recommending body to the President of the University on

- policies affecting more than one major area of the University;
- policies limited to one college or area but having implications for the total University, another major area, or another college;
- policies affecting the objectives of the University;
- policies affecting the long-range development of the University;
- establishing or abolishing a University Standing Committee;
- merging or reconfiguring two or more committees when at least one of them is a University Standing Committee.

The office of Secretary of the University serves to provide administrative support as outlined in established guidelines for Policy Development, Approval, and Dissemination.

The Executive Committee

exercises all of the powers of the Policy Committee of the University when it is not possible to convene the entire committee, and it reports its interim actions at the next regular meeting of the full committee;

meets with the President of the University and the Secretary of the University about two weeks prior to a full committee meeting to prepare the agenda for the meeting.

Membership and Selection

To assure maximum effectiveness, the members should have a total University viewpoint.

- President of the University (non-voting)
- Provost and Vice President for Academic Affairs
- Vice President for Business Affairs
- Vice President for University Advancement
- Vice President for Student Life
- Academic deans
- President of the Faculty Senate
- One full-time faculty member from each college
- Three full-time faculty members at large
- Assistant Vice President for Human Resources
- Chair of the Professional Staff Senate
- One representative of the Professional Staff Senate at large
- Chair of the Support Staff Senate
- One representative of the Support Staff Senate at large
- One undergraduate student
- One graduate student

Faculty members are elected by the Election Committee for Primary University Standing Committees.

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Representatives at large of the Professional Staff Senate and the Support Staff Senate are elected by their respective senates.

The undergraduate student is appointed by the Executive Board of the Student Government Association in consultation with the Vice President for Student Life.

The graduate student is appointed by the President of the Graduate Student Council in consultation with the Vice President for Student Life.

The election of the Chair and the Vice Chair is conducted annually at the last meeting in the spring semester, whether or not the election is the only agenda item.

- The slate is made up of current members who are eligible for membership for the following year.
- All current voting members may cast a vote.
- The election process is the prerogative of the sitting Chair.

The Executive Committee includes

Chair of the Policy Committee

Vice Chair of the Policy Committee

Provost and Vice President for Academic Affairs

one academic dean chosen among themselves,

one representative from the faculty representatives chosen among themselves

Assistant Vice President for Human Resources

Chair of the Professional Staff Senate

Chair of the Support Staff Senate.

Term

Elected faculty and senate representatives serve a term of three years with possibility of re-election to one three-year term, but not for a third term until one year has elapsed.

Student representatives serve for a one-year term.

The term of office for the Chair and the Vice Chair is one year, beginning with July 1.

Meetings

The committee meets at the call of the Chair.

Reports to

President of the University

MISSION INTEGRATION COMMITTEE

(Approved by the President of the University 3/20/09)

Title

Mission Integration Committee

Purpose and Function

The Mission Integration Committee assists the Marywood community to create a mission-driven environment by

- promoting integration of the Marywood mission and core values into the everyday life of the University;
- providing ongoing mission-related orientation to administrators, faculty and staff members, and students;
- participating in orientation of new hires to the mission and core values of the University;
- immersing the Marywood community in the heritage and mission of the Congregation of the Sisters, Servants of the Immaculate Heart of Mary;
- assisting administrators, faculty and staff members in nurturing, advancing, and passing on the legacy of the founding Sisters of IHM to future generations;
- assisting in developing leaders who will carry forward the Catholic identity, mission and values of Marywood.

Membership and Selection

The Committee consists of not fewer than ten persons from the Marywood University Community. The membership is made up of at least one representative of every presidential and vice presidential area and should include

- at least one representative of the full-time Faculty;
- at least one representative of the Administrative or Professional Staff;
- at least one representative of the Support Staff;
- at least one representative of each college and school;
- at least one member of the IHM Congregation serving at the University;
- at least one student;

The Chair and the Vice Chair are appointed by the President of the University.

Other representatives are appointed by the Chair of the Committee with the approval of their respective vice presidents.

Term

Students – one year with possibility of reappointment

Other representatives – three years with possibility of reappointment

The terms of the Chair and the Vice Chair are for three years with the possibility of reappointment.

Meetings

Meetings are called by the Chair at least three times a year.

Reports to

President of the University

BUDGET COMMITTEE OF THE UNIVERSITY

(Approved by the President of the University 2/7/03, effective 7/1/03)

Title

Budget Committee of the University

Purpose and Function

The Budget Committee of the University advises the Administration about broad issues that impact the annual institutional budget. It is

- a forum for discussion of budgetary issues of interest to the University community;
- an avenue of communication to the campus community about the budgetary process and related issues;
- a means of evaluating the budget process;
- an opportunity for representatives of the University community to recommend annual budget priorities.

Membership and Selection

To assure maximum effectiveness, the members should have a keen interest in fiscal affairs with a total University viewpoint.

Vice President for Business Affairs (Chair)
Assistant Treasurer
Director of Fiscal Affairs and Controller
Director of Budgets and Grants
One member of the Academic Council
One full-time member of the Faculty Senate
One member of the Professional Staff Senate
One member of the Support Staff Senate
Dean of Students

The member of the Academic Council is appointed by the Provost and Vice President for Academic Affairs.

Faculty, Professional Staff, and Support Staff representatives are elected by their respective senates.

Term

Elections and appointments are for three years, with possibility of reelection or reappointment for one consecutive term.

Meetings

Meetings are called by the Chair at least twice per fiscal year.

Reports to

President of the University
through the Vice President for Business Affairs

HONORARY DEGREES COMMITTEE

(Established by the President of the University 2009)

Title

Honorary Degree Committee

Purpose and Function

The Honorary Degrees Committee assists the President of the University in the process of identifying noteworthy nominees for Marywood University honorary degrees. It solicits names of potential honorees from the entire Marywood community, reviews them, and makes recommendations of meritorious candidates for consideration of the President of the University and subsequent approval of the Board of Trustees.

Membership and Selection

Provost and Vice President for Academic Affairs (Chair)

All academic deans

President of the Faculty Senate

One full-time faculty members from each college and school

Term

Faculty members serve three-year terms with possibility of reappointment

The terms of the Chair and the Vice Chair are for three years with the possibility of reappointment.

Meetings

Meetings are called by the Chair at least once each academic year.

Reports to

President of the University

COMMENCEMENT AND ACADEMIC CONVOCATIONS COMMITTEE

(Revision approved by the President of the University 2/02/03, effective 7/01/03)

Title

Commencement and Academic Convocations Committee

Purpose and Function

The Commencement and Academic Convocations Committee

plans and coordinates the University's commencement exercises,
assists the colleges with commencement related activities,
coordinates special academic convocations and celebrations upon request,
acts as a communication forum for related issues,
solves related logistical concerns,
makes related recommendations..

Membership and Selection

Membership is drawn as the need arises from support services, campus ministry, grounds, maintenance, technology services, student activities, disability advisement, security, public relations, physical plant and special events office.

The Chair of the committee is appointed by the President of the University.

Term

The Chair appoints members as the need arises.

Meetings

Meetings are held at the call of the Chair.

Reports to

President of the University

COMMENCEMENT AND CONVOCATIONS SPEAKERS COMMITTEE

(Revision approved by the President of the University 2009)

Title

Commencement and Convocations Speakers Committee

Purpose and Function

The *Commencement and Convocations Speakers Committee* serves to assist the President of the University to bring noteworthy speakers to the University.

The Committee develops an ongoing list of potential speakers for the Commencement ceremony and University convocations, reviews their credentials, and recommends to the President of the University those persons who, to the Committee's best judgment, would be best able to meet the criteria set forth in Marywood's *Commencement and Convocations Speakers Policy*. Its recommendations are based on concurrence of committee members, availability of potential speakers, and budget.

Membership and Selection

Vice President for University Advancement (Chair)
All academic deans
President of the Faculty Senate
One full-time faculty member from each college and school
Two senior undergraduate students
Two graduate students

Faculty members are appointed by their respective deans.

The undergraduate students are appointed by the Executive Board of the Student Government Association in consultation with the Vice President for Student Life.

The graduate students are appointed by the President of the Graduate Student Council in consultation with the Vice President for Student Life.

Term

Faculty members serve three-year terms with possibility of reappointment.
Students are appointed annually.

Meetings

Meetings are held at the call of the Chair.

Reporting Authority

President of the University

COR MARIAE BOARD OF DIRECTORS

(Revision approved by the President 11/5/02, effective 7/1/03)

Title

Cor Mariae Board of Directors

Purpose and Function

The Order Cor Mariae-Pro Fide et Cultura, the University vicennial order, is governed by a five-person Board of Directors elected by and from the current full-time employees of Marywood University who are medalists.

The Board of Directors

recommends new members for the Order to the President of the University;
plans and organizes the investiture ceremonies for the Order;
considers petitions presented by the Assistant Vice President for Human Resources for membership where technical requirements are not met, but fairness and appropriateness argue for approval.

The President of the Board of Directors exercises administrative oversight of this Marywood vicennial order.

Membership and Selection

Election is by and from the current Marywood full-time Marywood vicennial medalists.

The President of Marywood University serves as an ex officio, non-voting member of the Board.

The Assistant Vice President for Human Resources acts as a staff officer and consultant.

The current Cor Mariae Board of Directors conducts the election of new members. Ballots are mailed to the Office of the President of the University, who announces election results.

Term

Directors serve for three-year terms. There are no limits to the number of times a board member can be selected.

The President of the Board of Directors is chosen annually by and from the elected Board members on the basis of seniority, i.e. the faculty person with the greatest number of years of continuous service will become the President of the Board. If more than one Board member qualifies, the tie is broken by higher rank; i.e., the person holding the higher academic rank will become President. If the tie continues further, the candidates draw for the position.

Meetings

Meetings are held at the call of the President of the Board of Directors.

Reports to

President of the University

OUTCOMES ASSESSMENT COMMITTEE

(Revision approved by the President 11/5/02, effective 7/1/03)

Title

Outcomes Assessment Committee

Purpose and Function

The Outcomes Assessment Committee serves as the campus coordinating body for outcomes assessment activities with oversight responsibility for the outcomes assessment plan.

The committee's recommendations to the President of the University are based on concurrence of committee members, consistency with the outcomes assessment plan, and available budget for assessment activities.

Membership and Selection

Director of Institutional Research and Assessment (Chair)
Academic dean of each college
Provost and Vice President for Academic Affairs
One full-time faculty member from each college
Vice President for Student Life
Two other representatives of the Student Life area
One representative of the University Advancement area
One representative of the Business Affairs area

Faculty members are appointed by the deans of their respective colleges.

Staff representatives are appointed by the vice presidents of their respective areas.

Term

Appointed representatives – three years with possibility of reappointment for one additional consecutive term

Meetings

Meetings are held at least twice a year.

Reports to

President of the University
through the Chief Planning and Research Officer

TECHNOLOGY ADVISORY COMMITTEE

(Revision approved by the President 2003, 2005, 2008)

Title

Technology Advisory Committee

Purpose and Function

The Technology Advisory Committee is the primary planning group for campus-level technology including but not limited to the integrated campus network and infrastructure, campus-wide information resources available with the infrastructure, technology for new buildings and renovations and related activities. It acts as the primary governance structure for advising Marywood University on the business and academic value of all information technology projects, the cost of implementation, and the impact to the resources of the University.

The Committee advises the President of the University on areas relating to the acquisition and maintenance of campus-level technology resources. The major areas of responsibility are

- to develop long-range plans for maintaining and updating technology with an annual recommendation;
- to document existing technology as support for decisions at the executive level;
- to review and make recommendations of technology acquisitions and activities across offices;
- to advise on the feasibility and appropriateness of acquiring new technology;
- to plan for the integration of externally funded resources with existing technical functionality to maximize effective use of the University technology infrastructure.

The framework for this information technology governance is to provide a mechanism for the review and advisement on IT projects that meet the following criteria:

- Adequate planning has been provided for and communicated to the constituency being affected; also, that the constituency has communicated to project planners.
- A strategic and tactical planning process has been followed that supports the strategic plan of the University.
- Compliance and control processes of the project are being met.
- Assurance that risks have been identified and mitigated.
- Assurance that identified variances from the plan are corrected.

Membership and Selection

Chief Information Officer (Chair with vote only in case of a tie)

Director of OIT Projects Office

Director of the Physical Plant

Chair of the Academic Computing Advisory Committee

Technical Director

Manager of Network and Systems Administration

Webmaster

Registrar

Director of Library Services

Manager of Academic Computing

Director of User Support Services

Manager of Application Programming

President of the Faculty Senate
Provost and Vice President for Academic Affairs
One full-time faculty member from each college
One representative of the School of Architecture
Vice President for Business Affairs
Vice President for Student Life
Vice President for University Advancement
Vice President for Enrollment Management
One undergraduate student
One graduate student

Faculty members are elected from the full-time faculty members of their colleges. The coordination of the elections is managed by the Dean's office of each college.

The undergraduate student is appointed by the Executive Board of the Student Government Association in consultation with the Vice President for Student Life.

The graduate student is appointed by the President of the Graduate Student Council in consultation with the Vice President for Student Life.

Term

Faculty - three years with possibility of reelection
Students - one year with possibility of reappointment

Meetings

Meetings are held at least six times a year, three in the fall semester and three in the spring semester.

Reports to

President of the University

CALENDAR COMMITTEE

(Approved by the President of the University 3/12/04)

Title

Calendar Committee

Purpose and Function

The Calendar Committee serves to propose annually by October 31 a basic University calendar, for the academic year three years hence, to the Vice President for Student Life, who, in turn, will present it with comment to the President of the University for approval. It includes, for example,

- orientation dates,
- starting and ending dates for semesters and sessions,
- breaks and holidays,
- study days and examination dates,
- commencement dates.

Membership and Selection

- Vice President for Student Life (Chair)
- Provost and Vice President for Academic Affairs
- Vice President for Enrollment Management
- All academic deans
- Registrar
- President of the Faculty Senate
- Assistant Vice President for Human Resources
- Director of Dining Services
- Director of Constituency Relations and the Marywood Fund
- Undergraduate student
- Graduate student

The undergraduate student is appointed by the Executive Board of the Student Government Association in consultation with the Vice President for Student Life.

The graduate student is appointed by the President of the Graduate Student Council in consultation with the Vice President for Student Life.

Term

Students – one year, eligible for reappointment

Meetings

Meetings are held at least once each September. Additional meetings are held throughout the year at the call of the Chair.

Reports to

President of the University

SPACE ADVISORY COMMITTEE

(Established by the President of the University 2009)

Purpose and Function

The Space Advisory Committee makes recommendations to the President of the University regarding space allocation, with due regard for the overall priorities and needs of the institution. The committee

- formulates policies for space allocation;
- reviews and prioritizes space requests;
- recommends space modifications and changes in response to requests;
- plans for short term reallocation of space when required;
- tracks use of existing space, e.g., classroom and lab utilization;
- analyzes use of existing space and makes recommendations for change based on usage patterns.

Membership and Selection

Chief Planning Officer (Chair)
Vice President for Business Affairs
Director of the Physical Plant
Provost and Vice President for Academic Affairs
Vice President for Student Life
Vice President for Enrollment Management
Director of Conferencing and Special Events
Representative of the academic deans
Chief Information Officer

Other non-voting members are invited to selected meetings, at the discretion of the Chair, for their interest and expertise.

Term

The Chair serves at the discretion of the President of the University.

Appointed members serve one-year terms with possibility of reappointment.

Meetings

The Committee meets at least once each semester.

Reports to

President of the University

WEBSITE MANAGEMENT COMMITTEE

Title

Website Management Committee

Purpose and Function

The Website Management Committee provides organizational guidance for the University's website, enabling the University to present a comprehensive, branded, consistent, user-centered, and interactive experience. The committee

focuses on technological and educational web resources that support the student experience while reflecting the Mission and Core Values of the University;

develops protocols, procedures, and presentation formats for all departmental websites;

assures a quality experience for the Marywood University community, its off-campus constituents, and other visitors to the website;

attends to emerging interactive opportunities, with a view to moving the University forward in an increasingly competitive environment.

Membership and Selection

Executive Director of Marketing and Communications

Representative of Academic Affairs

Representative of Business Affairs

Representative of Student Life

Representative of University Advancement

Representative of Enrollment Management

Web Content Director

Web Developer

The Chair is appointed by the President of the University.

Representatives are appointed by the vice presidents of their respective areas.

Term

Representatives – three years with possibility of reappointment

Meetings

At least four times per year

Reports to

President of the University

UNIVERSITY STANDING COMMITTEES

reporting to

PROVOST AND VICE PRESIDENT FOR ACADEMIC AFFAIRS

Academic Council

Rank and Tenure Committee

Faculty Development Committee

Institutional Review Board for the Protection of Human Participants

Undergraduate Admissions Committee

Undergraduate Curriculum Committee

Subcommittee: Undergraduate Program Subcommittee

Subcommittee: Undergraduate Core Subcommittee

Undergraduate Grades and Academic Standing Committee

Undergraduate Honors and Fellowships Board

Undergraduate Scholarships and Fellowships Committee

Undergraduate Research Review Committee

Graduate Curriculum Committee

Graduate Scholarship Committee

Academic Computing Advisory Committee

Teacher Education Committee

Cultural Diversity Committee

Subcommittee: Women's Issues Committee

Election Committee for Primary University Standing Committees

Marywood University Faculty Handbook 2010

Marywood University Faculty Handbook 2010

ACADEMIC COUNCIL

(Revision approved by the Vice President for Academic Affairs 1903, 2009)

Title

Academic Council

Purpose and Function

The Academic Council serves to provide

a forum for communication, mutual support and coordination among academic deans and others who are directly responsible to the Provost and Vice President for Academic Affairs;

a means for the Provost and Vice President for Academic Affairs to relate information from the President of the University or the President's Cabinet to the members;

an assembly for consideration of the advancement of part-time faculty.

Decisions are made, recommendations formulated, and counsel given.

Membership and Selection

Provost and Vice President for Academic Affairs (Chair)

Vice President for Enrollment Management

Academic Deans

Assistant Vice President for Academic Affairs for Research and Community Collaboration

Term

All members are ex officio.

Meetings

Meetings are held at the call of the Provost and Vice President for Academic Affairs.

Reports to

Provost and Vice President for Academic Affairs

RANK AND TENURE COMMITTEE

(Revision approved by the Provost and Vice President for Academic Affairs 3/27/09)

Title

Rank and Tenure Committee

Purpose and Function

The Rank and Tenure Committee is charged with evaluation and affirmation of faculty achievement in teaching, scholarship, and service in order to develop and maintain a level of excellence that will enable the University most effectively to fulfill its mission.

The Committee

- reviews applications for promotion and/or tenure in accord with established criteria;
- submits recommendations to the Provost and Vice President for Academic Affairs to be presented to the President of the University;
- reviews the criteria for promotion and/or tenure and makes recommendations for change;
- approves departmental standards for evaluating members' scholarship/creative activity. These standards are also approved by the appropriate dean and the Provost and Vice President for Academic Affairs.

The Committee acts on applications for promotion in the fall and spring semesters; it acts on applications for tenure in the fall semester only. It reviews pre-tenure files in the fall semester only.

A committee member from the same department as an applicant must recuse himself/herself from the committee's work of discussing, reviewing, and evaluating the applicant's pre-tenure, tenure, and/or promotion materials. However, the committee member will participate in the review of the application at the department level in the same ways that any other member of the department would do, including voting on the application.

Positive recommendation for Assistant Professor requires a simple majority, four out of seven. Positive recommendation for Tenure, Associate Professor, and full Professor require five out of seven.

If a candidate applies for tenure and Associate Professor at the same time, the vote on tenure will be taken first. The outcome of the vote will be announced to the committee members prior to any consideration for promotion. An unsuccessful candidate for tenure may be awarded Associate Professor.

In the general business of the committee, four members constitute a quorum and a simple majority is required for committee action.

Confidentiality regarding all matters discussed in meetings of the Rank and Tenure Committee is an important responsibility of each member. Any member who violates this confidentiality is subject to removal from the committee by the Provost and Vice President for Academic Affairs.

Membership and Selection

One full-time faculty member from each college of the University
Three full-time faculty members at large

A single department may not be represented on the committee by more than one committee member.

At-large representatives

- are elected from the full-time faculty of the entire University;
- are full-time, tenured associate and/or full professors;
- are present and vote on all business of the committee, including all applications for promotion and/or tenure.

College representatives

- are elected by and from the full-time faculty of their respective colleges;
- are full-time, tenured associate and/or full professors;
- are present and vote on all business of the committee, including all applications for promotion and/or tenure.

In the event of a vacancy on the committee, the most recently elected alternate to that position will complete that term.

Term

Three years, with possibility of re-election for one consecutive three-year term.
The committee elects its Chair annually.

Meetings

Meetings are held at the call of the Chair.

Reports to

Provost and Vice President for Academic Affairs

FACULTY DEVELOPMENT COMMITTEE

(Revision approved by the Vice President for Academic Affairs 1/21/03, effective 7/1/03)

Title

Faculty Development Committee

Purpose and Function

Faculty development is a broad term describing any of the various activities carried out by faculty for their personal and professional enrichment. Certain of these activities may be financially supported by Marywood University.

The major responsibilities of the committee are

- to advise, if requested, in the design or renewal of individual faculty development *Profiles, Plans, and Proposals*;

- to accept or reject individual faculty development *Plans* on the basis of established objective criteria;

- to make recommendations to the Provost and Vice President for Academic Affairs on individual faculty *Proposals*;

- to make recommendations to the Provost and Vice President for Academic Affairs on departmental and University-wide *Proposals* for faculty development money;

- to maintain sufficient records to make possible a thorough evaluation of the program;

- to do ongoing evaluation and updating of Faculty Development Committee policies and procedures;

- to submit an annual report of the program to the Provost and Vice President for Academic Affairs, copied to the President of the University;

- to plan and conduct faculty workshops on aspects of the program;

- to make recommendations to the President of the University, copied to the Provost and Vice President for Academic Affairs, on requests for sabbatical leaves and on other presidential faculty development initiatives.

Membership and Selection

Academic deans

One full-time faculty member from each college

Two full-time faculty members at large

Term

Faculty – three years, eligibility for election limited to one additional three-year term

Meetings

Meetings are held at the call of the Chair.

Reports to

Provost and Vice President for Academic Affairs

INSTITUTIONAL REVIEW BOARD FOR THE PROTECTION OF HUMAN PARTICIPANTS

(Revision approved by the Vice President for Academic Affairs 11/8/02, effective 7/1/03)

Title

Institutional Review Board for the Protection of Human Participants

Purpose and Function

The purpose of the Institutional Review Board for the Protection of Human Participants (IRB) is the safeguarding of the rights and welfare of individuals participating in research. The Board reviews, approves, and monitors all research involving human participants conducted at Marywood University or elsewhere under Marywood University sponsorship. The Board may establish policies that allow research posing minimal risk to subjects to be exempt from full review and may delegate some reviews to the department, school or college level.

The Board is a decision-making group to approve applications for research involving human participants based on established policies and federal regulations. It serves as the liaison between the University and federal agencies regarding the protection of human participants.

Membership and Selection

Members represent the interests of the University and the community. There are at least seven members with various backgrounds and fields of expertise, including, at least

- one physician,
- one representative from outside the University,
- one representative from each college,
- one member at large
- Assistant Vice President for Academic Affairs for Research and Community
Collaboration, ex officio.

The non-voting Director of Human Participants Protection staffs the committee.

The Provost and Vice President for Academic Affairs appoints members, with a view to ensuring cultural, professional and academic diversity. Membership is contingent on year-round availability. When the Board reviews research that involves a vulnerable category, such as children, prisoners, pregnant women, or persons with mental disabilities, consideration is given to the inclusion of one or more individuals who are experienced or knowledgeable about working with these participants.

The Provost and Vice President for Academic Affairs appoints the Chair.

Term

An appointed member's term is three years, with possibility of reappointment for one additional term. In order to ensure the availability of a physician to the IRB, the term of the physician member is not limited to two three-year terms.

Meetings

The Board meets once a month in formal session. In exceptional cases, business may be conducted via telephone or mail. Times of monthly meetings are announced to academic deans and academic department chairpersons.

Reports to

Provost and Vice President for Academic Affairs

UNDERGRADUATE ADMISSIONS COMMITTEE

(Revision approved by the Vice President for Academic Affairs 11/15/02, effective 7/1/03)

Title

Undergraduate Admissions Committee

Purpose and Function

The Undergraduate Admissions Committee advises the Director of Undergraduate Admissions regarding

continuing studies of standards of admission;

admission of those who show evidence of meeting academic standards and who show promise of making a satisfactory adjustment to Marywood University;

admission of a sufficient number of qualified students to allow for proposed enrollments;

progress toward recruitment goals and strategies to achieve them

Membership and Selection

Director of Undergraduate Admissions (Chair)

Assistant Director of Admissions for Recruitment

Two faculty members from each college

Registrar

Director of Act 101 Program

Director, Center for Adult Credit Programs

Non-voting resource persons: Admissions counselors

Faculty members are appointed by their respective deans

Term

Faculty members – two years with possibility of reappointment

Meetings

Meetings are called by the Director of Undergraduate Admissions, usually twice per month

Reports to

Provost and Vice President for Academic Affairs

UNDERGRADUATE CURRICULUM COMMITTEE

(Revision approved by the Vice President for Academic Affairs 6/06/05)

Title

Undergraduate Curriculum Committee

Purpose and Function

The Undergraduate Curriculum Committee, an advisory body to the Administration on undergraduate curricular issues,

1. reviews all new undergraduate courses and substantial changes to existing ones;
2. evaluates the appropriate designation of course numbers on the undergraduate level
3. coordinates the work of its Program Subcommittee and Core Subcommittee;
4. channels proposals and other materials to the appropriate subcommittee or retains them for its own action;
5. reviews and approves proposals that will change the general education or program requirements for the entire undergraduate student body; before reaching a final recommendation, presents the proposal and distributes a ballot to the faculty members whose teaching responsibility is at least one-half on the undergraduate level;
6. reviews matters that require a wider perspective than either the Program Subcommittee or the Core Subcommittee alone can provide;
7. resolves differences that may arise between the Program Subcommittee and the Core Subcommittee.

Membership and Selection

Four faculty members drawn from the Program Subcommittee, including the chairperson, assistant chairperson, and two others elected by and from the subcommittee membership

Four faculty members drawn from the Core Subcommittee, including the chairperson, assistant chairperson, and two others elected by and from the subcommittee membership

Four academic deans (non-voting)

One student

Faculty membership is determined each spring once subcommittee elections have been completed. The student is elected by and from the student representatives to the subcommittees.

The Committee elects its chairperson each spring from among its faculty membership.

Term

Faculty – one year with possibility of reelection

Student – one year with possibility of reelection.

Meetings

A meeting is held at the beginning of each semester. Additional meetings are scheduled as needed.

Reports to

Provost and Vice President for Academic Affairs

Undergraduate Curriculum Committee (continued)

Undergraduate Program Subcommittee

Purpose and Function

The Undergraduate Program Subcommittee reviews and makes recommendations related to academic programs on the undergraduate level.

Membership and Selection

Two faculty members from each college
One undergraduate student from each college
Chairperson of the Undergraduate Core Subcommittee
Associate Vice President for Enrollment Management
Registrar (non-voting)
One person from the Learning Resources Center (non-voting)

Academic deans are invited to meetings when their advice or information may be helpful regarding a specific issue before the subcommittee.

Faculty are elected by and from the faculty in their respective colleges.
Students are appointed by the deans of their respective colleges.

The subcommittee elects its Chairperson from among the faculty members.

Term

Faculty – three years with possibility of reelection for a second term
Students – one year with possibility of reappointment

Meetings

Meetings are held three times per semester. Additional meetings are scheduled as needed.

Reports to

Provost and Vice President for Academic Affairs
through the Chairperson of the Undergraduate Curriculum Committee

Undergraduate Curriculum Committee (continued)**Undergraduate Core Subcommittee****Purpose and Function**

The Undergraduate Core Subcommittee reviews and makes recommendations related to the liberal arts core and to the general electives and competencies in the undergraduate curriculum.

Membership and Selection

One faculty member from each of the following departments that support the general education curriculum: Art or Music, Communication Arts, English, Foreign Languages, Health and Physical Education, Mathematics, Philosophy, Psychology, Religious Studies, Science, and Social Sciences

One faculty member from each of the following: College of Health and Human Services, College of Creative Arts and Management, College of Education and Human Development

Two undergraduate students

Chairperson of the Undergraduate Program Subcommittee

Academic Dean of the College of Liberal Arts and Sciences (non-voting)

Registrar (non-voting)

One person from the Learning Resources Center (non-voting)

Faculty representatives of departments are elected by faculty in their respective departments.

Faculty representatives of colleges are elected by and from the faculty in their respective colleges.

Students are appointed by the Provost and Vice President for Academic Affairs.

The subcommittee elects its Chairperson from among the faculty members.

Term

Faculty – three years with possibility of reelection for a second term

Students – one year with possibility of reappointment

Meetings

Meetings are held three times per semester. Additional meetings are scheduled as needed.

Reports to

Provost and Vice President for Academic Affairs

through the Chairperson of the Undergraduate Curriculum Committee

UNDERGRADUATE GRADES AND ACADEMIC STANDING COMMITTEE

(Revision approved by the Provost and Vice President for Academic Affairs 11/15/02, 10/09/03)

Title

Undergraduate Grades and Academic Standing Committee

Purpose and Function

The committee reviews students' achievements, and makes recommendations to the academic dean(s) regarding

- academic probation,
- dismissal for academic reasons,
- academic performance for continued eligibility for Marywood University scholarships and grants.

Membership and Selection

Associate Director of Retention and Advising (Chair)
Two faculty members from each college
Vice President for Enrollment Management
Registrar
Director of Admissions
Director of Housing and Residence Life
Assistant Director of Academic Advisement
Director of Act 101 Program

Faculty members are appointed by the deans of their respective colleges.

Term

Faculty – two years with possibility of reappointment

Meetings

Meetings are called by the Chair, usually three times a year.

Reports to

Provost and Vice President for Academic Affairs
through the Associate Vice President for Enrollment Management

UNDERGRADUATE HONORS AND FELLOWSHIPS BOARD

(Revision approved by the Vice President for Academic Affairs 11/25/02, effective 7/1/03)

Title

Undergraduate Honors and Fellowships Board

Purpose and Function

The Undergraduate Honors And Fellowships Board meets with the Director of Honors and Fellowships

to promote the identification of potential honors students,
to provide experiences for honors students that will enhance their opportunities after graduation,
to link faculty and students for mentoring and collaborative research,
to oversee and develop the honors degree program,
to select membership in the Kappa Gamma Pi honor society,
to select recipient of the Kappa Gamma Pi medal for excellence.

Membership and Selection

Director of Honors and Fellowships (Chair)
One full time faculty member from each college
Dean of Students
One representative of the Registrar's Office
One representative of the Undergraduate Admissions Office
One honors student from each of the sophomore, junior and senior classes

Faculty are appointed by their respective deans.
Representative of the Registrar's Office is appointed by the Registrar
Representative of the Undergraduate Admissions Office is appointed by the Director of Admissions
Students are appointed by the Undergraduate Honors and Fellowships Board.

Term

Faculty – three years with possibility of reappointment
Other appointments – one year with possibility of reappointment

Meetings

Meetings are held at least three times per year.
Student representatives do not participate in the selection of Kappa Gamma Pi membership and medallist.

Reports to

Provost and Vice President for Academic Affairs

UNDERGRADUATE SCHOLARSHIPS AND FELLOWSHIPS COMMITTEE

(Revision approved by the Vice President for Academic Affairs 11/18/02, effective 7/1/03)

Title

Undergraduate Scholarships and Fellowships Committee

Purpose and Function

The Undergraduate Scholarships and Fellowships Committee

actively promotes dissemination of information on national and international scholarships and fellowships;

encourages academically capable students to compete for scholarships and fellowships;

screens applications and selects Marywood University's candidates for scholarship and fellowship programs;

maintains a file of opportunities for financial aid to graduate and professional schools;

identifies sources of non-government aid that will be available to undergraduate students, and disseminates this information.

Membership and Selection

Director of Honors and Fellowships (Chair)

Advisors re major national and international scholarships and fellowships

Advisors re law schools and medical schools

Assistant Director of Career Services

Term

All members are ex officio.

Meetings

Meetings are held at least six times per year.

Reports to

Provost and Vice President for Academic Affairs

UNDERGRADUATE RESEARCH REVIEW COMMITTEE

(Revision approved by the Vice President for Academic Affairs 11/18/02, effective 7/1/03)

Title

Undergraduate Research Review Committee

Purpose and Function

The goal of the Undergraduate Research Committee is to promote and support undergraduate research and scholarly activity by providing funding for undergraduates to conduct and present their research and scholarly activity, and by providing a forum in which undergraduates can present and be recognized for their scholarly activity. The committee

- solicits student proposals for funding;
- reviews and evaluates student proposals and budgets;
- submits approved projects to the academic Director of Honors and Fellowships for funding;
- coordinates the annual Marywood University Undergraduate Research Forum;
- provides annual reports to the academic deans

Membership and Selection

One full-time faculty member from each college

One representative from the Institutional Review Board for the Protection of Human Participants

Director of Honors and Fellowships

Faculty members are appointed by their respective deans.

The representative of the Institutional Review Board for the Protection of Human Subjects is appointed by the Provost and Vice President for Academic Affairs.

The Chair of the committee is elected by and from the faculty representatives.

Term

Faculty – three years with possibility of reappointment

Representative of IRB – three years with possibility of reappointment

Meetings

Meetings are held at least four times per year.

Reports to

Provost and Vice President for Academic Affairs
through the Director of Honors and Fellowships

GRADUATE CURRICULUM COMMITTEE

(Revision approved by the Vice President for Academic Affairs 12/17/02, effective 7/1/03)

Title

Graduate Curriculum Committee

Purpose and Function

The Graduate Curriculum Committee

reviews proposals and makes recommendations for new graduate programs;

approves graduate level curriculum changes proposed by each college including new programs, new courses, and substantive modifications of current courses;

examines existing programs and courses to minimize duplication of course content;

coordinates and reviews as necessary the internal program or college evaluation process, including outcomes and assessment plans;

provides input into joint degree programs;

investigates and provides input into joint graduate level ventures among the colleges.

Membership and Selection

Academic deans

One faculty representative of each academic department with a graduate program

One representative from the University Library

Faculty representatives are appointed by their respective chairs.

The Library representative is appointed by the Director of the Library.

The Chair is elected annually by the committee members.

Term

Faculty and Library representatives – two years, renewable for one consecutive term

Meetings

Meetings are held monthly during the academic year.

Reports to

Provost and Vice President for Academic Affairs

GRADUATE SCHOLARSHIP COMMITTEE

(Revision approved by the Provost and Vice President for Academic Affairs 3/26/09)

Title

Graduate Scholarship Committee

Purpose and Function

The Graduate Scholarship Committee

establishes criteria for eligibility for Marywood graduate level IHM scholarships as incentives for achieving recruitment and admission goals;

selects recipients of Marywood graduate level IHM scholarships;

investigates the need for increased scholarships support to maintain graduate enrollment;

recommends financial and policy changes as appropriate.

Membership and Selection

Director of Financial Aid

Two faculty members from each college

Assistant to the Director, School of Social Work

One faculty member from the School of Social Work

One faculty member from the School of Architecture

Resource persons:

Director of University Admissions

Assistant Director of Graduate Admissions

Coordinator of Graduate Affairs

Vice President for Enrollment Management

Subcommittee for doctoral programs:

Directors of doctoral programs

Director of Financial Aid

Two faculty members from the full committee

Faculty representation of colleges is determined by the Dean of each college.

Faculty representation of the School of Social Work is determined by the Director.

The Chair is elected by the members of the Committee.

Term

Faculty members serve three-year terms with possibility of reappointment.

Meetings

Meetings are held monthly during peak recruitment seasons. Additional meetings may be called by the Chair.

Reports to

Provost and Vice President for Academic Affairs

ACADEMIC COMPUTING ADVISORY COMMITTEE

(Revision approved by the Provost and Vice President for Academic Affairs 2009)

Title

Academic Computing Advisory Committee

Purpose and Function

The committee is the major vehicle for faculty involvement in planning for the diverse applications of computer technology across the campus. It advises the Provost and Vice President for Academic Affairs as well as the Chief Information Officer by

encouraging faculty self-development and awareness of the role of computer technology in higher education;

evaluating and recommending proposals for development of computer resources;

encouraging the purchase of compatible hardware and software solutions to meet the academic computer needs of faculty and students in a cost-effective manner;

supporting faculty members throughout the grant writing and award process to select appropriate computer hardware and software and to ensure the researcher's technology requirements are fully met;

examining associated legal issues, e.g., those related to intellectual property.

Membership and Selection

Chair of the Committee

Director of Library Services

Director of User Support Services

Manager of Academic Computing

Chief Information Officer

One full-time faculty member from each college

Two full-time faculty members at large

Students work with the Committee on specific issues.

Chair of the Committee is appointed by the Provost and Vice President for Academic Affairs.

Faculty members are appointed by the Provost and Vice President for Academic Affairs.

Term

Chair of the Committee – three years with possibility of reappointment

Faculty – three years with possibility of reappointment

Meetings

Meetings are held at least twice per year.

Reports to

Provost and Vice President for Academic Affairs

TEACHER EDUCATION COMMITTEE

(Revision approved by the Vice President for Academic Affairs 3/3/03, effective 7/1/03)

Title

Teacher Education Committee

Purpose and Function

The Teacher Education Committee

provides a forum for disseminating information regarding teacher education

considers curricular implications of educational theory and certification regulations

advises the Education Department re implementation of procedures such as admission screening, clearance for student teaching, and testing.

Membership and Selection

Academic Dean, College of Education and Human Development

All faculty from the education and special education departments

One faculty representative of each certification program area

Director of the Office of Professional Education Field Experience

Certification officer

Faculty are appointed by the chairs of their respective departments.

Term

Two years with possibility of reappointment

Meetings

Meetings are held at least once a semester.

Reports to

Provost and Vice President for Academic Affairs

CULTURAL DIVERSITY COMMITTEE

(Revision approved by the President of the University 11/8/02, effective 7/1/03)

Title

Cultural Diversity Committee

Purpose and Function

The committee promotes appreciation of diversity and intergroup accord on campus, and provides assistance to the regional community in addressing diversity concerns and developing intercultural awareness.

The **Women's Issues Committee**, a subcommittee, serves to educate the campus and the larger community about the variety of issues that women face and to act as an advocate for women's issues.

Membership and Selection

Director of Diversity Services (Chair)

Volunteers from administration, faculty, staff, and students

Term

Term is unlimited.

Meetings

Meetings are held monthly during the academic year.

Reports to

Provost and Vice President for Academic Affairs

ELECTION COMMITTEE FOR PRIMARY UNIVERSITY STANDING COMMITTEES

(Revision approved by the President 2002, 2005)

Title

Election Committee for Primary University Standing Committees

Purpose and Function

The Election Committee for Primary University Standing Committees is responsible for conducting elections of faculty representatives for the subsequent academic year to the four major University standing committees in the following sequence:

during the fall semester

1. Rank and Tenure Committee
2. Policy Committee of the University

during the spring semester

3. Faculty Development Committee
4. Marywood University Planning Advisory Council.

The committee interprets the eligibility requirements for the various committees, assembles eligibility lists, conducts the elections, distributes and counts election ballots, informs the President of the University of the results, and maintains the list of alternates.

Each committee member who represents a particular college works with the Chair to prepare and count ballots for elections within that college. The faculty librarian works with the Chair to prepare and count ballots for at-large election, which are determined before individual college elections.

Membership and Selection

One full-time faculty representative from each college

One faculty librarian

One full-time faculty member at large.

All members are appointed by the President of the University.

The faculty member at large serves as Chair of the committee.

Term

Members serve a three-year term with possibility of reappointment to one additional consecutive term.

Meetings

One regular meeting is held in the spring and one in the fall. Others are called by the Chair when necessary.

Faculty should serve on only one major, University standing committee at a time. Elections are conducted by secret ballot. The first ballot is a nomination from an alphabetical list of full-time eligible persons.

Twice the number of those to be elected constitutes the second ballot. These names are listed according to the number of votes received. The required number of members are elected on the second ballot by a plurality vote. If there is a tie in the number of votes needed for election, a run-off ballot is taken.

In each election the three persons in each category having the next highest number of votes after the elected members are named alternates.

If a vacancy occurs among the elected members of any of these committees, the first alternate from the appropriate most recent election shall complete the term. If necessary, the second alternate from the most recent election shall complete the term, etc.

Reports to

Provost and Vice President for Academic Affairs

UNIVERSITY STANDING COMMITTEES
reporting to
VICE PRESIDENT FOR BUSINESS AFFAIRS

Administrative and Professional Staff Development Committee

Arboretum Committee

Dining Services Committee

Employee Benefits Committee

Employee Health and Safety Committee

Parking Committee

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ADMINISTRATIVE AND PROFESSIONAL STAFF DEVELOPMENT COMMITTEE

(Revision approved by the Vice President for Business Affairs 10/30/02, effective 7/1/03)

Title

Administrative and Professional Staff Development Committee

Purpose and Function

Professional development is a broad term describing any of the various activities carried out by the professional staff for their personal and professional enrichment. Certain of these activities may be financially supported by Marywood University.

The major responsibilities of the committee are

- to advise, if requested, in the design or renewal of individual administrative or professional staff development *Profiles, Plans, and Proposals*;
- to accept or reject individual development plans on the basis of established objective criteria;
- to make recommendations to the Vice President for Business Affairs on proposals for Administrative and Professional Staff Development plans;
- to maintain sufficient records for at least five years, for evaluation purposes;
- to do ongoing evaluation and updating of Administrative and Professional Staff Development Committee policies and procedures;
- to submit an annual report of the program to the Vice President for Business Affairs, copied to the President of the University;
- to plan and conduct informational sessions and workshops concerning the program;
- to make recommendations to the President of the University, copied to the Vice President for Business Affairs, on requests for sabbatical leaves and on other presidential staff development initiatives.

Membership and Selection

One Presidential professional staff member
 One Academic Affairs professional staff member
 One Business Affairs professional staff member
 One Student Affairs professional staff member
 One University Advancement professional staff member
 Two at large representatives, one from University directors and one from the professional staff

Members are elected by the Professional Staff Senate from those in their respective employment classifications.

Term

Three years, with possibility of election for one additional consecutive term.

Meetings

Much of the business of the committee is done electronically. However, the committee should meet in person at least once a semester.

Reports to

Vice President for Business Affairs

ARBORETUM COMMITTEE

(Approved by the President of the University 11/8/02, effective 7/1/03)

Title

Arboretum Committee

Purpose and Function

The Arboretum Committee

makes recommendations for the ongoing physical enhancement of the Marywood University Arboretum;

concerns itself with the development of educational programs for students and others in the community;

promotes the Arboretum at Marywood University as a living example of responsible stewardship to the world in which we live.

Membership and Selection

One faculty member from the Science Department

One representative from the Grounds staff

One representative from Corporate and Foundation Relations

One representative from University Relations

Arboretum pagemaster

One student from the Pugwash student organization

Three other members from among faculty, students, and staff

Appointments are made at the invitation of the Vice President for Business Affairs with advice from cognizant administrators.

Term

Faculty and Staff - three years with possibility of reappointment

Student - one year with possibility of reappointment

Meetings

Meetings are usually held monthly.

Reports to

Vice President for Business Affairs

DINING SERVICES COMMITTEE

(Revision approved by the Vice President for Business Affairs 10/31/02, effective 7/1/03)

Title

Dining Services Committee

Purpose and Function

The committee serves to provide direction to Dining Services and to gather feedback in an effort to maximize customer satisfaction.

Membership and Selection

Director of Dining Services (Chair)
Executive Chef and Associate Director
Retail Manager
Director of Housing and Residence Life
One international resident student
One other resident student
One commuting student

Students are appointed by the Executive Board of the Student Government Association in consultation with the Vice President for Student Life.

Term

Students – one year with possibility of reappointment

Meetings

Meetings are called by the Chair at least four times a year.

Reports to

Vice President for Business Affairs

EMPLOYEE BENEFITS COMMITTEE

(Approved by the President of the University 11/8/02, effective 1/1/03)

Title

Employee Benefits Committee

Purpose and Function

The Employee Benefits Committee advises the Vice President for Business Affairs and ultimately the President of the University on employment benefit issues that affect the University community.

Membership and Selection

Members should have a total University viewpoint and interest to assure that recommendations will contribute to the accomplishment of the objectives of the University.

Care should be taken to ensure that the group is representative of various demographics, such as age, gender, family status, etc.

Assistant Vice President for Human Resources (non-voting Chair)

Vice President for Business Affairs

One representative of the Faculty Senate

One representative of the Professional Staff Senate

One representative of the Support Staff Senate

One full-time faculty member at large

One administrative or professional staff member at large

One support staff member at large

Representatives of the senates are elected by their respective senates.

At-large representatives are appointed by the President of the University.

Term

Elected and appointed members – three years with possibility of renewal for one additional, consecutive term

Meetings

Meetings are held at least twice a year.

Reports to

Vice President for Business Affairs

EMPLOYEE HEALTH AND SAFETY COMMITTEE

(Revision approved by the Vice President for Business Affairs 2002, 2007)

Title

Employee Health and Safety Committee

Purpose and Function

The Employee Health and Safety Committee has three main functions:

1. Detect hazards
2. Analyze and solve problems related to safety and health
3. Assist in the management of safety

In addition, the Committee

strives to create a campus-wide awareness of the importance of safety;
provides opportunities for discussion of issues related to accidents;
reviews existing accident and illness prevention programs and plans education campaigns;
establishes procedures for conducting and documenting the findings of periodic workplace inspection;
accepts suggestions from the campus community related to a safe working environment;
makes recommendations to correct hazards;
reviews, in a timely manner, incidents resulting in work-related deaths, injuries, illnesses, and complaints;
conducts evaluations on the effectiveness of new safety equipment;
evaluates health and safety procedures.

Membership and Selection

Managers (total not to exceed total non-supervisory staff):

Assistant Vice President for Human Resources
Superintendent of Trades or Superintendent of Building Services
Director of Student Health Services
Chief of Security and Safety
Manager responsible for insurance issues
Additional manager(s)

Non-supervisory Staff:

Two full-time faculty members
At least one professional staff employee
One employee from the maintenance or grounds staff
At least one other employee from any hourly classification.

Guest: One liaison from Chartwells

Employees are appointed by the Vice President for Business Affairs.

Faculty members are appointed by the Provost and Vice President for Academic Affairs.

Training is provided at least annually to members of the committee by a qualified accident and illness prevention person. Training includes a review of committee responsibilities, hazard identification and accident investigations.

Term

Employees – three years with possibility of reappointment.

An appointment to fill a vacancy in an unexpired term is made from the same employment classification.

Faculty – one year with possibility of reappointment

The Chair and the Secretary are elected annually with possibility of re-election.

Meetings

Meetings are called by the Chair at least once a month. A quorum (1/2+1) must be maintained at every meeting.

Agendas and minutes are distributed to committee members, the Vice President for Business Affairs, and are kept on file. An annual report is filed and retained by the Secretary of the University.

Committee Members' Responsibilities

Members are required to attend monthly meetings, participate in monthly inspections, and attend the required annual training. In addition, members attend and assist with monthly fire drills.

Reports to

Vice President for Business Affairs

PARKING COMMITTEE

(Revision approved by the Vice President for Business Affairs 10/31/02, effective 7/1/03)

Title

Parking Committee

Purpose and Function

The Parking Committee

assesses the parking needs of various constituencies;
formulates suggested policies;
recommends changes to existing parking rules and regulations.

Membership and Selection

Vice President for Business Affairs

Chief of Safety and Security

Superintendent of Grounds

Chair of the Professional Staff Senate

Chair of the Support Staff Senate

Director of Housing and Residence Life

One faculty member

One undergraduate and one graduate resident student

One undergraduate and one graduate commuting student

The faculty member is selected by the Executive Committee of the Faculty Senate.

The undergraduate students are appointed by the Executive Board of the Student Council in consultation with the Vice President for Student Life.

The graduate students are appointed by the President of the Graduate Student Council in consultation with the Vice President for Student Life.

Term

Faculty – two years with possibility of reappointment

Students – one year with possibility of reappointment

Meetings

Meetings are held at least twice each academic year.

Reports to

Vice President for Business Affairs

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UNIVERSITY STANDING COMMITTEES

reporting to

VICE PRESIDENT FOR STUDENT LIFE

Student Life Committee

Wellness and Health Promotion Committee
Subcommittee: Students with Disabilities Committee

Conduct Board

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STUDENT LIFE COMMITTEE

(Revision approved by the Vice President for Student Life 11/5/02, effective 7/1/03)

Title

Student Life Committee

Purpose and Function

The Student Life Committee advises the Vice President for Student Life on

 policies governing student life outside the classroom;
 services, activities, and regulations in the Student Life area;
 matters in the Student Life area that require attention;
 matters about which the Vice President for Student life seeks advice.

Membership and Selection

Vice President for Student Life (Chair)

Dean of Students

Two Student Life directors

Two faculty members

Four undergraduate students

Two graduate students

Student Life directors are appointed by the Vice President for Student Life.

Faculty members are appointed by the President of the Faculty Senate

Undergraduate students are appointed by the Executive Board of the Student Government Association in consultation with the Vice President for Student Life.

Graduate students are appointed by the President of the Graduate Student Council in consultation with the Vice President for Student Life.

Term

Student Life directors – one year with possibility of reappointment

Faculty – two years with possibility of reappointment

Students – one year with possibility of reappointment

Meetings

Meetings are held at least four times a year.

Reports to

Vice President for Student Life

WELLNESS AND HEALTH PROMOTION COMMITTEE

(Revision approved by the Vice President for Student Life 11/5/02, 8/27/04, 5/07/05)

Title

Wellness and Health Promotion Committee

Purpose and Function

The Wellness and Health Promotion Committee

assists the Director of Student Health Services develop and provide a comprehensive wellness and health education promotion program;

recommends policies and procedural revisions regarding health services;

recommends programs related to wellness and health care concerns within the University community.

The **Students with Disabilities Committee**, a subcommittee, develops campus awareness of the needs of students with disabilities and identifies ways through which the University can serve them.

Membership and Selection

Director of Student Health Services (Chair)

Associate Director for Student Support Services

Director of Counseling and Student Development Center

Director of Athletics and Recreation

Director of Residence Life

Director of Human Performance Lab

Chief of Safety and Security

One faculty member from each health related academic program

One student from each health related academic program

Faculty members are appointed by the deans of their respective colleges.

Students are appointed by their respective academic deans.

The subcommittee is constructed by invitation of the Chair.

Term

Faculty – two years with possibility of reappointment

Students – one year with possibility of reappointment

Meetings

Meetings are held at least twice per year.

Reports to

Vice President for Student Life

CONDUCT BOARD

(Revision approved by the Vice President for Student Life 4/30/03, 8/26/04)

Title

Conduct Board

Purpose and Function

The Conduct Board

hears a case when a student has been accused of a violation of conduct and the student has requested adjudication by the Board;

interprets rules and regulations as they relate to individual incidents and community values;

decides responsibility for alleged violations;

determines sanctions up to and not including suspension or dismissal from the University;

recommends suspension or dismissal from the University to the Dean of Students when determined necessary;

files records of disciplinary hearings with the Dean of Students.

Membership and Selection

Dean of Students (Chair)

Six full-time faculty members

Six full-time undergraduate students

Three full-time graduate students

Faculty members are appointed by the Executive Committee of the Faculty Senate.

Undergraduate students are appointed by the Executive Committee of the Student Government Association in consultation with the Vice President for Student Life.

Graduate students are appointed by the Graduate Student Council in consultation with the Vice President for Student Life.

A student is selected as the Chair for each hearing.

One member is selected to serve as recorder for each hearing.

Term

Faculty – three years with possibility of reappointment

Students – one year with possibility of reappointment

Meetings

Meetings are held at the request of the Dean of Students.

A panel of two faculty members and three students is drawn for a hearing. If the case in question involves a graduate level student, it is appropriate that graduate level students sit on the panel. Two faculty members and two students constitute a quorum.

Reports to

Vice President for Student Life
through the Dean of Students

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UNIVERSITY STANDING COMMITTEES
reporting to
VICE PRESIDENT FOR UNIVERSITY ADVANCEMENT

Cultural Affairs Committee

Marywood University Faculty Handbook 2010

CULTURAL AFFAIRS COMMITTEE

(Revision approved by the Vice President for University Advancement 11/19/02, effective 7/1/03)

Title

Cultural Affairs Committee

Purpose and Function

The Cultural Affairs Committee supports cultural enrichment and entertainment to the Marywood University campus community. The Committee encourages greater student involvement in University life, manifests Marywood's active commitment to the cultural enrichment of the surrounding community, and enhances the public image of the University.

The Cultural Affairs Committee

plans and executes an annual program of lectures, cultural offerings, and workshops for the benefit of students and the community during the fall and spring terms;

maintains an updated mailing list;

organizes an effective promotional program, promotional pieces, and coverage for each program;

attempts to attract nationally renowned speakers as part of the cultural affairs offerings.

Membership and Selection

Vice President for University Advancement

Three full-time faculty members

Two undergraduate students

Two graduate students

Faculty members are selected by the Provost and Vice President for Academic Affairs..

The undergraduate students are appointed by the Executive Board of the Student Government Association in consultation with the Vice President for Student Life.

The graduate students are appointed by the President of the Graduate Student Council in consultation with the Vice President for Student Life.

Term

Faculty – three years

Students – one year

Meetings

Meetings are held at the call of the Chair. Special meetings are called particularly during the planning stages for the annual program of events.

Reports to

Vice President for University Advancement

Marywood University Faculty Handbook 2010

APPENDIX

[REDACTED]

Appendix 1

THE ORGANIZATION OF MARYWOOD UNIVERSITY

MEMBERS OF THE MARYWOOD UNIVERSITY CORPORATION

BOARD OF TRUSTEES

PRESIDENT OF THE UNIVERSITY

**ACADEMIC AFFAIRS AREA
BUSINESS AFFAIRS AREA
STUDENT LIFE AREA
UNIVERSITY ADVANCEMENT AREA**

SECRETARY OF THE UNIVERSITY AND GENERAL COUNSEL

**FACULTY SENATE
PROFESSIONAL STAFF SENATE
SUPPORT STAFF SENATE**

ORGANIZATION OF THE PRESIDENTIAL AREA

President of the University

**Vice President for Academic Affairs
Vice President for Business Affairs and Treasurer
Vice President for Student Life
Vice President for University Advancement**

Secretary of the University and General Counsel

**Chief Planning Officer
Director of Research and Assessment
Data Coordinator and Analyst**

As of 6/01/10

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Appendix 1

ORGANIZATION OF THE BUSINESS AFFAIRS AREA

Vice President for Business Affairs and Treasurer

Assistant Vice President for Human Resources

Human Resources Manager
Benefits Manager

Controller and Assistant Treasurer

Assistant Controller and Director of Fiscal Affairs
Accounting Manager
Manager of Cashier's Office

Bookstore Manager
Manager of Printing and Mailing
Postmaster
Dining Services

Director of Budgets, Grants, and Marywood Aviation, Inc.

Assistant to the Director of Budgets, Grants, and Marywood Aviation, Inc.
University Grants Accountants

Chief Information Officer

Technical Director
Director of User Support Services
Director of Application Programming Services
Manager of Academic Computing
Manager of Network and Systems Administration

Director of Buildings and Grounds

Assistant Director of Buildings and Grounds
Chief of Safety and Security
Superintendent of Grounds
Superintendent of Building Services

As of 6/01/10

Marywood University Faculty Handbook 2010

Appendix 1

ORGANIZATION OF THE STUDENT LIFE DIVISION

Vice President for Student Life

Dean of Students

Director of Student Activities and Leadership Development

Class and Club Advisors

Student Activities Crew and Commuter Assistants

Director of Housing and Residence Life

Assistant Director of Housing and Residence Life

Residence Directors and Resident Assistants

Director of Athletics and Recreation

Assistant Directors of Athletics and Recreation

Director of Sports Information and Athletics Promotions

Coordinator of Intramurals and Recreation

Athletics Facilities Manager

Supervisor – Lynett-Haggerty Fitness Center

Athletic Trainers

Athletics Administration Intern

Coaches

Director of Campus Ministry

Assistant Director of Campus Ministry and Chaplain

Assistant Directors of Campus Ministry

Director of Career Services

Assistant Director of Career Services

Career Associate

Director of Counseling and Student Development Center

Assistant Director of Counseling and Student Development Center

Staff Counselor

Consulting Psychiatrist

Director of Student Health Services

Certified Registered Nurse Practitioner

Consulting Nutritionist

Consulting Physicians

As of August 28, 2009

Marywood University Faculty Handbook 2010

Appendix 1

ORGANIZATION OF THE UNIVERSITY ADVANCEMENT AREA

Vice President for University Advancement

Director of Government/Corporate/Foundation Relations

Corporate/Foundation Relations Writer / Researcher

Assistant Vice President for Development

Director of Advancement Services

Prospect Researcher

Advancement Data Management Coordinator

Director of Planned Giving

Director of Capital Resources

Director of Constituency Relations and The Marywood Fund

Assistant Director of Constituency Relations

Coordinator of Communication

Director of Alumni Development

Executive Director of Marketing Communications

Director of Public Relations

Public Relations Coordinator

Director of Publications

Senior Writer and Editor

Art Director

Graphic Designer

Web Content Director

Director of Conference and Event Services

Director of Continued Professional Education

Director of Workforce Education

Secretary of the University
12/03/09

Appendix 2

ORGANIZATION OF INSTRUCTIONAL PROGRAMS

Vice President for Academic Affairs

Dean, Reap College of Education and Human Development

Department Heads

Faculty and Program Directors

Communication Sciences and Disorders

Psychology and Counseling

Education and Special Education

Ph.D. in Human Development

Two Clinics

Fricchione Day Care Center

Tony Domiano Day Care Center

Dean, Insalaco College of Creative and Performing Arts

Department Heads

Faculty and Program Directors

Art

Music, Theatre, Dance

Communication Arts

Galleries

Radio and TV Station

Dean, College of Health and Human Services

Department Heads

Faculty and Program Directors

Health and Physical Education

Nursing and Public Administration

Nutrition and Dietetics

Physician Assistant

Human Performance Lab

Director, School of Social Work

Faculty

Appendix 2

Vice President for Academic Affairs (continued)

Dean, College of Liberal Arts and Sciences

Chairpersons

Faculty and Program Directors

Business and Managerial Science

English Language and Literature

Foreign Languages

Mathematical Sciences

Philosophy

Religious Studies

Science

Social Sciences

Honors Program

Program for Undeclared Students

Dean, School of Architecture

Chairpersons

Faculty and Program Directors

Architecture

Interior Design

Graduate Curriculum Committee

Undergraduate Curriculum Committee

Secretary of the University
5/17/10

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Exhibit 6



Marywood

UNIVERSITY

Tenured Faculty
Letter of Agreement
2011-2012 Academic Year

EXHIBIT

6

May 10, 2011

Dr. Frederick F. Fagal, Jr.
17 East Lake Street
Skaneateles, NY 13152

Dear Dr. Fagal, Jr.,

This Letter of Agreement is offered to you for the 2011-2012 Academic Year. In accord with the agreed upon Salary Plan, your salary reflects a 2.5% annual increase of \$1,858.00.

Other terms of this agreement are as follows:

Term:	8/22/2011 to 5/18/2012
Type of Appointment:	Full-Time (9 months) Tenure
Rank:	Associate Professor
College:	Liberal Arts & Sciences
Department:	Social Science
Responsible to:	Department Chairperson
Salary:	\$76,196.00

Faculty members must apply for benefits other than Social Security and Worker's Compensation through the Human Resources Department. Full-time faculty benefits include health, dental, long-term disability, group life, and accidental death and dismemberment under the Flexible Benefits Plan. Elections are made by June 1 of each year for the subsequent fiscal year beginning July 1. Retirement contributions by the University vary based on the contribution level selected by the faculty member. The appropriate government forms, including Form W-4 and I-9, must be completed and on file in the Human Resources Department.

This agreement is valid for one month from the date of this letter. The original copy of this Letter of Agreement must be signed and returned to my office by June 10, 2011. If you do not return the original signed copy by June 10, it will be assumed that you are not returning to Marywood. On behalf of the Board of Trustees and myself, I express our gratitude for your dedicated service and commitment to Marywood University. May God continue to bless you.

Sincerely,

Aster Anne Munley IHM

Anne Munley, IHM, Ph.D.
President

Agreed this 25 day of May, 2011

Signature Frederick F. Fagal, Jr.

Exhibit 7



Contractual Agreements with Faculty Members



Policy Statement

Full -Time Faculty

The *Letter of Agreement* is the official contract issued to a faculty member at the time of appointment or reappointment. It is a statement of conditions and obligations mutually agreed to by the faculty member and Marywood University. It serves as a binding contract covering a specific period of time and as a vehicle to renew, adjust and/or alter the terms of the original contract regarding appointment, rank, tenure, salary, benefits, etc.

Faculty contracts are normally for a period of nine months or twelve months.

Ordinarily, the academic year will begin no earlier than two weeks before Labor Day and will end no later than nine months from that date.

A copy of the *Letter of Agreement* is retained by the faculty member. Copies are also on file in the Office of Human Resources.

In general, any faculty member, who intends to be a long-term stakeholder in the University and who has the appropriate terminal academic degree, should have either a tenure appointment or an appointment probationary for tenure.

Categories of Full-Time Appointment

Regular membership in a Faculty includes appointments with continuous tenure, appointments probationary for tenure, and contract appointments without tenure.

Membership in the Faculty of a School or Department is held by persons with valid appointments to one of the four generally recognized Faculty ranks, namely, Professor, Associate Professor, Assistant Professor, or Instructor.

The University, however, also requires the services of professionally competent individuals to meet teaching and service responsibilities in selected areas or positions in which assignments do not necessarily include research or creative work. To meet these responsibilities effectively and to be competitive in attracting and retaining needed professional personnel, the University has established and recognizes a third kind of Regular Faculty appointment: Regular Contracts Appointments without Tenure.

Contract Appointments with Tenure

The probationary period shall not exceed seven years of full-time teaching at Marywood, with application for tenure being made in the sixth year. Faculty members on leave during the probationary period must follow the policy on Leaves of Absence. Prior service at Marywood University or at another regionally accredited, four-year college or university may be credited toward the fulfillment of the probationary period as indicated in the original *Letter of Agreement*.

Tenure is a term designating guaranteed continuous appointment to full-time faculty members until retirement. It implies a mutual commitment on the part of the faculty member and the University and cannot be taken lightly. The commitment of a faculty member who requests tenure is as deep and binding on the faculty member as it is on the University. Just as the conferring of tenure by the University recognizes the competence of an individual faculty member, submission to the University of an application for tenure suggests a strong acceptance by that individual of the goals and objectives of the University. The request represents commitment to work jointly with faculty, students, administrators, and members of the staff for the growth and welfare of the University. It is a commitment to devote one's energies to continued personal development and continued high levels of achievement as a member of the Marywood academic community. It is a definite assertion of career goals; it is expected that faculty will not lightly withdraw from this relationship.

Once tenure is granted, it will be discontinued only for grave reason, which may include moral turpitude, flagrant abuse of academic freedom, or lack of professional competency as demonstrated in instruction and/or research. In addition, the University may be required to discontinue tenure because of severe financial exigencies of the University or reorganization of the department and/or curriculum resulting in lack of need as described in *Retrenchment of Faculty*.

A faculty member with an appointment probationary for tenure may apply for a Clinical or Per Annum appointment, if a vacancy exists, under normal procedures for recruitment and appointment. However, a faculty member in probationary status is not eligible to apply for such a change of status if that faculty member has been reviewed for tenure with the result that tenure was not recommended.

Contract Appointments without Tenure

Two types of full-time contract appointments without tenure are available: Clinical Faculty Appointments and Per Annum Faculty Appointments.

Clinical Faculty

On the recommendation of the cognizant chairperson, or person acting in the capacity of a chair, with the approval of the Vice-President for Academic Affairs and based on a written description of the teaching and related duties, a Faculty position involving full-time teaching in a clinical or professional skills program may be designated as a non-tenure track clinical position. Titles associated with clinical positions shall be appropriately distinguishing, such as "Clinical Assistant Professors" as determined by the Vice-President for Academic Affairs.

The initial appointment may be for one or two years and may be renewed for successive terms under the same procedures as those applying to faculty members with appointments probationary for tenure. After six years of continuous service, subsequent reappointments may be for periods of up to five years but without tenure.

Per Annum Faculty

With the approval of the Vice-President for Academic Affairs and based upon a written description of the teaching and related duties, a faculty position involving full-time teaching for a period of one year may also be designated as a non-tenured position (Per Annum).

Normally a Per Annum appointment may be renewed on an annual basis for up to an additional five years, followed by a terminal contract for the seventh year of employment. If an exception is made, it will be done by

the Vice-President for Academic Affairs in consultation with the appropriate dean and director or chairperson. Notification of non-renewal shall follow the notice requirements of the Non-Reappointment of Full-Time Faculty Member policy.

Clinical or Per Annum appointments may be made at the level of Instructor, Assistant Professor, Associate Professor or Professor. A Faculty Member with a Clinical or Per Annum appointment is accorded parity of compensation, benefits and perquisites, and governance and voting rights, as with other Faculty members of comparable rank.

A Faculty member with a Clinical or Per Annum appointment may apply for an appointment probationary for tenure, if a vacancy exists, under normal procedures for recruitment and appointment. In such a case, time served in the Clinical or Per Annum position beyond the first year counts toward the maximum allowable period of probationary service. If time served in the Clinical or Per Annum position exceeds the maximum allowable period of probationary service, the Faculty member shall be considered to have completed five years of probationary service and shall be reviewed for tenure upon application for the change of status. In either case, in the event the outcome of the review is negative, the terms of the current Clinical or Per Annum appointment shall be honored but the Faculty member shall not be eligible for subsequent reappointment to the Clinical or Per Annum position.

Pro - Rata Faculty

Pro-rata ranked faculty serve on nine-month or twelve-month contracts. Their contracts are processed and issued as are those of full-time faculty.

The initial appointment of pro-rata faculty determines their rank; their *Letters of Agreement* are awarded for one year at a time with no implied obligation of continuous appointment.

Part -Time Faculty

Part-time faculty are those faculty members who ordinarily teach from one to six credit hours per semester and are not usually otherwise employed in the affairs of the University. They receive a formal appointment on a semester basis, provided enrollment justifies it at registration time. Part-time faculty members are not eligible for tenure.

Letters of Agreement

Letters of Agreement for continuing faculty members are issued on or before May 10. *Letters of Agreement* are distributed from the office of the President of the University.

Appointment Procedures

Members of the faculty are appointed by the President of the University. Prospective faculty members are interviewed and recommended by the chairperson and faculty of the department in which a vacancy exists to the Dean and Vice-President for Academic Affairs.

The formal offer of employment made by the Vice President for Academic Affairs to a prospective faculty member contains the conditions of continued employment and promotion as described during the interview process and as outlined in the *Faculty Handbook*.

Offers to part-time faculty are made by department chairpersons or those acting in the capacity of a chair, and concluded by an agreement approved by the appropriate academic dean. A part-time faculty member receives a formal appointment on a semester basis, provided enrollment justifies it at registration time. A part-time faculty member is not eligible for tenure.

Related Policies

- [Promotion of Faculty Members](#)
- [Faculty Status](#)

History

07/01/89 - Reaffirmed with publication of Faculty Manual

02/24/99 - Revised, as recommended to the President by the Policy Committee of the University, to include possibility of opening the fall semester in August.

10/04/02 - Revised to change the reference to the opening date of the academic year, as recommended to the President of the University by the Policy Committee of the University.

03/28/08 - Revised to provide for permanent non-tenured faculty, as recommended to the President of the University by the Policy Committee of the University.

2/18/11 - Revision approved by the President of the University as recommended by the Policy Committee of the University.

Mary T. Gardier Paterson, Esquire | Secretary of the University | mtgpaterson@marywood.edu

2300 Adams Avenue, Scranton, PA 18509
[570-348-6211](tel:570-348-6211) | toll free: 1-TO-MARYWOOD

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Comments to [Marywood University Web Development Office](#): webber@marywood.edu

Exhibit 8

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

FREDERICK F. FAGAL, JR.	:	
	:	
Plaintiff,	:	
	:	CIVIL ACTION
v.	:	
	:	NO.: 3:14-cv-02404-ARC
MARYWOOD UNIVERSITY,	:	
	:	
Defendant.	:	

**DEFENDANT’S ANSWERS AND OBJECTIONS TO PLAINTIFF’S FIRST
SET OF INTERROGATORIES DIRECTED TO DEFENDANT**

Defendant, Marywood University (“Defendant”) hereby submits its answers and objections to Plaintiff, Frederick F. Fagal, Jr.’s (hereinafter “Plaintiff”), First Set of Interrogatories (“Interrogatories”).

GENERAL OBJECTIONS

1. Defendant objects to all interrogatories to the extent that they seek information which is beyond the scope of the Federal Rules of Civil Procedure.
2. Defendant objects to these interrogatories to the extent that they purport to be “contention” interrogatories and otherwise attempt to assert, restate or summarize the facts, claims or defenses of Defendant.
3. Defendant objects to all interrogatories to the extent that they are not described with reasonable particularity, are overly broad, are unduly burdensome,

or are not reasonably calculated to lead to the discovery of admissible evidence. More particularly, Defendant objects to any interrogatory to the extent that it is not reasonably limited in time, place or overly broad, not reasonably calculated to lead to the discovery of admissible evidence and are unduly burdensome.

4. Defendant objects to all interrogatories to the extent that they seek confidential information, proprietary information and/or trade secrets.

5. Defendant objects to each of these interrogatories to the extent they purport to impose any duty to supplement responses greater than that required by Fed. R. Civ. P. 26(e). Pursuant to ongoing discovery in this matter, Defendant reserves the right to supplement these responses subsequent to the forwarding of these answers and objections.

6. Defendant reserves the right to incorporate all or any portion of one answer by reference into another answer.

7. Defendant objects to Plaintiff's interrogatories to the extent that they seek the discovery of information protected by the attorney/client privilege, the attorney work-product doctrine or other applicable privilege.

8. Defendant incorporates by reference each and every objection set forth above into each response to each interrogatory as fully as though set forth therein at length.

INTERROGATORIES

1. In Paragraph No. 20 of Defendant's Answer to Plaintiff's Amended Complaint and Affirmative and Other Defenses (hereinafter your "Answer"), you admitted to removing some of Plaintiff's posters announcing the FIRE speaker. Did you or anybody working for you instruct or suggest that these posters be removed? If so, who made this instruction or suggestion? If the instruction or suggestion was oral, please state its content in as close to verbatim form as possible.

ANSWER: Defendant is unaware of the identity of the individual(s) who removed Plaintiff's posters announcing the FIRE speaker, other than Dr. Alan Levine, who removed one poster. Additionally, Defendant is unaware of anyone who instructed or suggested that Plaintiff's FIRE speaker posters be removed.

2. Do you contend that Professor Fagal was an at-will employee of Marywood at any time between November 1, 2011 and August 31, 2012? If so, explain the basis for this contention in detail.

ANSWER: No.

3. Prior to January 23, 2012, did you or anybody who worked for you provide to Professor Fagal any oral warning, written warning, or any opportunity for monitored assistance relating to the email and videos referenced in Paragraph Nos. 23 and 24 of the Amended Complaint? If so, please provide a detailed

description of each such oral warning, written warning, and opportunity for monitored assistance.

ANSWER: Defendant objects to this interrogatory as ambiguous and vague because Defendant is unable to determine the meaning of “monitored assistance.” Defendant is willing to respond to a clearer and narrower interrogatory request.

4. Did your Vice President for Academic Affairs, Dr. Alan Levine, participate in any way in the decision to suspend Professor Fagal or to maintain this suspension thereafter? If so, please describe Dr. Levine’s participation in as much detail as possible.

ANSWER: Dr. Levine supported President Munley’s decision to suspend Professor Fagal and was aware of – and helped orchestrate – the January 23, 2012 meeting where Professor Fagal was suspended, as outlined in DEF002760.

5. If Dr. Levine has made any statements—oral or written—relating to the email or videos referenced in Paragraph Nos. 23 and 24 of the Amended Complaint, please describe the content of these statements in as close to verbatim form as possible, including the date and recipients of such statements.

ANSWER: Defendant objects to this interrogatory as unduly burdensome and overly broad in time and scope. Defendant cannot possibly know all statements, oral or written, that Dr. Levine has made in the past four years regarding the e-mail or videos referenced in Paragraph Nos. 23 and 24 of the Amended Complaint.

Subject to and without waiver of these objections, see documents previously produced by Defendant, including various e-mails from Dr. Levine.

6. In Paragraph No. 31 of your Answer, you denied that there was no immediate harm to Professor Fagal or to others threatened by Professor Fagal's continuance in his faculty position. Please explain the basis for your denial in as much detail as possible.

ANSWER: Defendant denies that there was no immediate harm to others as Plaintiff's continued employment would create emotional harm to members of the administration, faculty, and student body who were offended and impacted by Plaintiff's actions. Additionally, Defendant sought to prevent further reputational harm to the University after Plaintiff, a tenured professor, made a mockery of the President, the University's executive staff, and the University community as a whole by drafting and creating the e-mail and videos referenced in Paragraph Nos. 23 and 24 of the Amended Complaint.

7. In Paragraph No. 31 of your Answer, you denied that no Marywood official or representative had ever stated to Professor Fagal that there was no immediate harm to him or to others threatened by his continuance in his faculty position. Please explain the basis for your denial in as much detail as possible, including the date and substance of each and every such statement by a Marywood official or representative.

ANSWER: On or about January 23, 2012, President Munley informed Plaintiff that his actions caused harm to the University, faculty members, and was in direct conflict with the University's core values.

8. For each academic year, please provide the actual amount of extra dollars that your primary provider of health insurance would have charged (or is predicted to charge) you to add Plaintiff and his wife (born February 5, 1946 and November 15, 1958, respectively) to the standard family health insurance plan provided by the insurer had he been employed by you between September 1, 2012 and August 31, 2018.

ANSWER: Defendant objects to this interrogatory to the extent that it requires a calculation of future health care costs. Subject to and without waiver of this objection, Defendant's annual fee for an employee and spouse on an HMO plan for 2011-2012 was \$12,983.88; for 2012-2013 was \$13,503.24; for 2013-2014 was \$13,503.24; for 2014-2015 was \$14,043.36; and for 2015-2016 was \$15,377.52. This option was discontinued for the 2016-2017 year and has been replaced by an EPO plan.

9. Identify any and all fact witnesses that you intend to call at trial.

ANSWER: Defendant objects to this interrogatory as premature and because it seeks to elicit the mental impressions, conclusions, opinions and legal theories of Defendant's attorneys and seeks disclosure of Defendant's attorneys' work

product. Subject to and without waiver of these objections, Defendant will provide a list of witness at the appropriate time. Defendant reserves the right to call as witnesses all individuals identified in either parties' Initial Disclosures or discovery responses.

10. Identify any and all expert witnesses that you intend to call at trial.

ANSWER: Defendant objects to this interrogatory as premature and because it seeks to elicit the mental impressions, conclusions, opinions and legal theories of Defendant's attorneys and seeks disclosure of Defendant's attorneys' work product. Subject to and without waiver of these objections, as of the date of these responses, Defendant has not retained an expert. If and when Defendant retains an expert, a response to this request will be provided.

11. Identify any and all exhibits that you intend to introduce at trial.

ANSWER: Defendant objects to this interrogatory because it seeks to elicit the mental impressions, conclusions, opinions and legal theories of Defendant's attorneys and seeks disclosure of Defendant's attorneys' work product. Subject to and without waiver of this objection, Defendant has not decided what documents it intends to introduce as exhibits at the time of trial. Defendant will identify its exhibits in accordance with the Court's scheduling order.

12. Identify any and all facts that you believe to support your affirmative defenses.

ANSWER: Defendant objects to this interrogatory as repetitive and duplicative of Request No. 25 in Plaintiff's First Request for Production of Documents. Subject to and without waiver of this objection, see documents previously produced by Defendants.

13. Did any attorney or other representative of Jackson Lewis LLP communicate—in writing or orally—with any members of Marywood's Faculty Grievance Committee while that committee was deliberating on Plaintiff's grievance filed on February 22, 2012? If so, please identify all individuals participating in each communication, the time and date of each such communication, and—if the communication was oral—describe the content of such communication in as much detail as possible.

ANSWER: Defendant objects to this interrogatory because it requests information protected by attorney-client privilege and/or seeks to elicit the mental impressions, conclusions, opinions and legal theories of Defendant's attorneys and seeks disclosure of Defendant's attorneys' work product.

14. Did any attorney or other representative of Jackson Lewis LLP communicate—in writing or orally—with any members of Marywood's Faculty Senate Ad Hoc Hearing Committee while that committee was deliberating on President Munley's recommendation to terminate and/or suspend Plaintiff? If so, please identify each and every individual that participated in each communication,

the time and date of each such communication, and—if the communication was oral—describe the content of such communication in as much detail as possible.

ANSWER: Defendant objects to this interrogatory because it requests information protected by attorney-client privilege and/or seeks to elicit the mental impressions, conclusions, opinions and legal theories of Defendant's attorneys and seeks disclosure of Defendant's attorneys' work product.

15. Please provide the exact times and dates that each word processing file or Google Docs file used to generate President Munley's letter to Plaintiff dated January 24, 2012 was first created and last modified.

ANSWER: Defendant objects to this interrogatory as unduly burdensome and irrelevant.

16. Please provide the exact times and dates that each word processing file used to generate Patricia Dunleavey's typewritten notes (DEF000143) about the January 23, 2012 meeting between Plaintiff, President Munley, herself, and Michael Foley, was first created and last modified.

ANSWER: Defendant objects to this interrogatory as unduly burdensome and irrelevant.

17. With as much precision as possible, state the time and date that President Munley decided (in her own mind) to recommend Professor Fagal's termination and suspension.

ANSWER: Defendant objects to this interrogatory because it seeks information in Plaintiff's possession and/or equally available. Subject to and without waiver of this objection, Defendant refers Plaintiff to President Munley's deposition testimony at 47:8-48:18.

JACKSON LEWIS P.C.



Stephanie J. Peet. (PA I.D. 91744)

Asima J. Ahmad (PA I.D. 316001)

Three Parkway

1601 Cherry Street, Suite 1350

Philadelphia, PA 19102

T: (267) 319-7802

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stephanie.peet@jacksonlewis.com

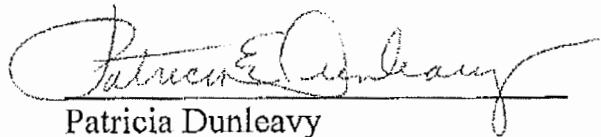
asima.ahmad@jacksonlewis.com

ATTORNEYS FOR DEFENDANT

DATED: August 5, 2016

VERIFICATION

I, Patricia E. Dunleavy, Ph.D., Associate Vice President for Human Resources for Marywood University, hereby declare, under penalty of perjury, that I signed the foregoing Defendant's Answers to Plaintiff's First Set of Interrogatories for and on behalf of Defendant, and that I am duly authorized to do so; that all of the matters stated above are not within my personal knowledge and that I have been informed that there is no single officer or employee of Defendant who has personal knowledge of all such matters; that the facts stated above have been assembled by counsel for Defendant, and that to the best of my knowledge, the facts stated in the foregoing Answers are true and represent the best information available at the time that the Answers were prepared.


Patricia Dunleavy

Dated: _____

8/2/2016

CERTIFICATE OF SERVICE

I, Asima J. Ahmad, hereby certify that I caused to be served, a true and correct copy of *Defendant's Answers and Objections to Plaintiff's First Set of Interrogatories and Defendant's Response to Plaintiff's Second Request for Production of Documents and Electronically Stored Information* via electronic mail and/or U.S. First Class Mail, postage prepaid, upon the following counsel of record:

Jonathan Z. Cohen, Esquire
175 Strafford Avenue, Suite 1 #212
Wayne, PA 19087
jzc@jzc-law.com

JACKSON LEWIS P.C.


Stephanie J. Peet. (PA I.D. 91744)
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asima.ahmad@jacksonlewis.com

ATTORNEYS FOR DEFENDANT

DATED: August 5, 2016

Exhibit 9

EXHIBIT

9

Date: Fri, 13 Jan 2012 11:37:01 -0800 (PST)**From:** Frederick Fagal <fffagal@yahoo.com>**To:** "fffagal@yahoo.com" <fffagal@yahoo.com>**Subject:** Marywood Administration Tears Down Approved Free Speech Posters

Attachments: [Synopsis Free Speech Poster tear-down Marywood 2011.pdf](#)
[Free Speech Marywood Poster Tear-Down Email Exchange sent to FIRE.pdf](#)
[Letter to Alan Levine Dec 2 2011 re compensation for poster tear down.pdf](#)
[Levine responds to Fagal requests 2011 12-15.pdf](#)

Dear Marywood University Faculty Colleague ,

January 13, 2012

We deserve better. Our students deserve better. In November 2011 I spent my own money to get a speaker from the Foundation for Individual Rights in Education (FIRE) to give a presentation to an Introduction to Social Science class on November 30, 2011. The topic was "Know Your Rights: Free Speech and Thought Reform on Campus," and the speech tied into our study of the United States Constitution. I also spent my own money to pay for posters advertising the speech in Comerford Auditorium which was to be announced as open to all. Total cost to me about \$500. Given my previous run-ins with the administration,

<http://www.marywoodfreespeech.com/History%20Page/Fagal%20History/adminVSfagal.htm>

just to be safe (ha), I had my posters stamped with the Student Life poster approval stamp. The Marywood Administration, without telling me, then decided to tear down the posters. No, I am not kidding.... laughable yet sad.

This letter ends with a fuller but still brief summary abstract of what occurred. I hope you read the attachments which tell the complete story. For fun and insight as to "how it all went down" you must view the Hitler Parody *satire* videos on YouTube (see later below for links).

Based on the evidence, I expect most of you (if only in private), will agree the Marywood administration (real people here...not an abstraction)

exhibited egregious, despicable, contemptible behavior. This poisonous and *considered!* behavior reflects badly on *everyone* associated with Marywood. I am ashamed for the institution and hope it mends its ways. At this point I think publicity is the only tool which might affect the Administration and inspire "hope and change" on this campus. Perhaps the Board of Trustees could at least discuss this type of behavior behind closed doors or in private emails and conversations. One can hope...., nay pray..... Attached to this email are four items which I hope some (many?) of you read (#2 similar to #1 but even more complete):

A rather complete synopsis of the events surrounding the tearing down (circa Nov 29, 2011) of my "approved" posters announcing a speech about free speech (irony anyone?)

A complete record of what I sent to the Foundation for Individual Rights in Education (FIRE) to document how the situation unfolded. Learn about FIRE here: <http://thefire.org/about/mission/>. This big document includes (3.) below, my letter to Levine (and President Munley by agreed-to forwarding)

A copy of my (at first on paper) December 5, 2011 letter to VP Alan Levine. In that letter and in the December 5 meeting with Alan Levine I proposed a resolution of the "free speech poster tear down" controversy. Mr. Levine asked me for an electronic copy (which I sent) and he said he would forward it to President Anne Munley. In any negotiation list of requests (demands?) such as I submitted there is obviously a possibility for a meeting of the minds and compromise - e.g. perhaps I would give up my demand for pizza for students (heh) or a public apology or one of the requested FIRE visits. A copy of the December 15, 2011 letter to me from Alan Levine [VP for Academic Affairs] which responds to my letter of December 5, 2011. In the response letter Mr. Levine, speaking for the administration (i.e. President Anne Munley), writes "...we are not willing to undertake any (emphasis added-fff) of the specific requests that are contained in your letter."

Perhaps you have heard of Hitler Parody videos. From Wikipedia regarding the movie *Downfall*, http://en.wikipedia.org/wiki/Downfall_%28film%29 the film about Adolph Hitler's last days, which provided selected snippets so I could create the Marywood free speech poster tear-down parodies:

"In October 2010, YouTube stopped blocking any *Downfall*-derived parodies,^[18] and is now placing advertisements on some of them. Corynne McSherry, an attorney specializing in intellectual property and free speech issues^[19] for the Electronic Frontier Foundation, stated, "All the [*Downfall* parody videos] that I've seen are very strong fair use cases and so they're not infringing, and they shouldn't be taken down."^[20] "

I made two short satire videos. Part 1 deals with the events of November 28, Part 2 deals with the events of November 30. Comments from (pre-release) viewers:

"Brilliant!" "Love these!" "SO funny".... "It's definitely funny and I think it will appeal to students and faculty alike." ... "IT DOES HAVE ITS MOMENTS, ESP THE SCRATCHING PART!" ... "It was nice knowing you, Fred." ... "I think you will get a positive response from your video...too funny to not."... "OMG! Funny as hell. Pretty powerful stuff. Keep fighting the good fight." "The videos were definitely very amusing and certainly got the point across" ... "Wow Fred.... Great job on the video.... what a brilliant way to get your point across!!!! I hope it helps open their eyes!!!! very creative and well done!!!!"

On YouTube just search for Hitler parody Marywood, I imagine it will show up...

LINK to VIDEO #1 <http://www.youtube.com/watch?v=1naxKnNc06o&>

feature=youtu.be

LINK to VIDEO #2

<http://www.youtube.com/watch?v=4hzvy5sTqUw&context=C3c1bc55ADOEgsToPDskIZsi1t3K7AqlLR-ci2V9HK>

I can send anyone low definition versions of the videos suitable (each is under 20 MB) for email attachments. Just ask...

A few colleagues concerned for my welfare have told me they fear the administration will try to fire me over this. One colleague says perhaps I should have asked for an appointment with President Munley and made a final appeal — i.e. I should have pursued every last ditch channel possible. I did not want to go into such a meeting and in essence have as the only new point to raise a “blackmail” threat to go public as I do here and in the videos. I did not want that. If the risk to me is there it is there; and if the worst does come to pass I will have to battle as best I can with the support of family and friends and colleagues and perhaps concerned outsiders.

I will of course be pleased to hear from any of you — from the grizzled veteran to the first-year hire. **BEWARE** — according to page 86 of the Faculty Handbook “...there are no specific laws, rules, or regulations that protect the privacy of a user’s files, electronic mail messages, or any other information retrieved as a result of a person’s session on the Marywood system.”

Thus, if you *email* me and want to protect yourself, you might best ***use a backup email address such as your old youthful one coolcat@hotmail.com and send it from anywhere but Marywood.*** Also, if you are my friend, or will soon be, you need not say hello to me in public (heh). My home phone is 315-685-0429. Even a regular mail anonymous “good luck” note sent to me at home (address below) would be very appreciated...

Abstract: On November 28-29 2011 Marywood University tore down “stamped approved” posters announcing an open to all presentation by Will Creeley of FIRE (Foundation for Individual Rights in Education) titled “Know Your Rights: Free Speech and Thought Reform on Campus.” On December 5 Alan Levine, VP for Academic Affairs, told me there were no written policy statements which justified Marywood’s action, but that my offer of a \$50 random prize to a student for attending was, in the eyes of the administration’s Executive Council which met on November 29, “pandering” to students to get them to come to class, and that this justified tearing down the posters (without even the mere common courtesy of notifying me about the supposed problem). Even if a problem did exist a magic marker could have solved it, poster tear-downs were not necessary. Later that day (Dec. 5) I sent Mr. Levine two emails, one showing that Professor N. Gregory Mankiw of Harvard (former Chairman of the President’s Council of Economic Advisers, author of today’s largest selling economics textbook) recently pandered to his students by inviting ten select quick email responders (first come, first served) to join him as his guest for lunch after class at a Chinese restaurant in Harvard Square. *I suggested that Marywood University warn Harvard that it has a panderer in its midst!* Finally, also on December 5, I forwarded to Mr. Levine an email from spring 2011 wherein the Marywood Administration encouraged professors to send students to a speech about sexual assault. Raffle prizes galore, including food and **TWO \$50 VISA cards**. Quotation from the email “We hope faculty will offer students extra credit for attending, or *use some of your class time to attend the event with your students* [emphasis added].” Laughable! Talk about “pandering!” It is transparently obvious Marywood University is discriminating against Professor Fagal... Your Honor, I rest my case. Full details below.

By Frederick F. Fagal, Jr. (Ph.D.) Associate Professor of Economics, Marywood University, Scranton, PA
Thank you for reading.....

Sincerely,
Fred Fagal
(Frederick F. Fagal, Jr. Associate Professor of Economics)...at Marywood 1987 –
Home address:
Fred Fagal
17 East Lake Street
Skaneateles, NY 13152

Exhibit 12

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

FREDERICK F. FAGAL, JR.,

Plaintiff,

V.

MARYWOOD UNIVERSITY,

Defendant.

.....

CIVIL ACTION

NO. 3:14-cv-02404-ARC

(JUDGE CAPUTO)

DECLARATION OF FREDERICK F. FAGAL, JR.

I, Frederick F. Fagal, Jr., declare as follows:

1. I am the Plaintiff in the above-referenced case.
2. I am making this declaration to support a Motion for Summary Judgment (the “Motion”) to be filed today.
3. I understand that this declaration will be filed as Exhibit 12 to the Motion.
4. I understand that the Motion is accompanied by a document titled “Statement of Material Facts in Support of Motion for Summary Judgment by Plaintiff” (the “Statement”).
5. I have carefully read the Statement. I verify the accuracy of each sentence in the Statement in which Exhibit 12 is cited for support.

I declare under penalty of perjury that the foregoing is true and correct. Executed on November 21, 2016.

Frederick F. Fagal, Jr.
FREDERICK F. FAGAL, JR.

Exhibit 13



Policies and Procedures Manual: Tenure



Policy Statement

Tenure is a term designating permanent and continuous appointment for a full-time faculty member. It implies a mutual commitment on the part of the faculty member and the University and cannot be taken lightly.

Once tenure is granted, it will be discontinued only for grave reason, which may include moral turpitude, flagrant abuse of academic freedom, or professional incompetence. In addition, as expressed in its *Retrenchment of Faculty* policy, the University may be required to discontinue tenure because of severe financial exigencies or reorganization of the department and/or curriculum resulting in lack of need.

The commitment of a faculty member who requests tenure is as deep and binding on the faculty member as it is on the University. Just as the conferring of tenure by the University recognizes the competence of an individual faculty member, submission to the University of an application for tenure suggests a strong acceptance by that individual of the mission, goals and objectives of the University. The request represents a commitment to work jointly with faculty, students, administrators and staff for the growth and welfare of the University. It is a commitment to devote one's energies to continued personal development and continued high levels of achievement as a member of the Marywood academic community. It is an assertion of career goals; it is expected that a faculty member will not lightly withdraw from this relationship.

The probationary period shall not exceed seven years of full-time teaching/librarianship at Marywood, with application for tenure being made in the sixth year. Successful candidates receive a tenure contract for the seventh year; unsuccessful candidates receive a one-year terminal contract for the seventh year. Faculty members on leave during the probationary period must follow the University's policy on leaves. Interrupted service at Marywood University and also prior service at another regionally accredited, four-year college or university may be credited toward the fulfillment of the probationary period. Such credit will be determined by the Vice President for Academic Affairs.

Tenure occurs by action of the President of the University.

Definitions

This revised *Tenure* policy is effective January 1, 2012. Faculty members whose date of hire as full time is before January 1, 2012, may choose the policy in effect prior to that date if they wish.

Procedures

Procedures for Tenure Consideration

A candidate for tenure must submit a *Notification of Application for Tenure* form and submit relevant data and documentation in the sixth year of the probationary period, according to the deadline dates noted below. The candidate for tenure is encouraged to meet with the dean and chairperson during the summer prior to submission to discuss the application. The intent of this review is to afford the dean and chairperson the opportunity to offer the candidate informal guidance that will help the candidate to make the strongest case possible for tenure. The candidate is also encouraged to meet with the tenured members of the department one year before submission of the application to identify areas of strength and weakness in meeting the tenure criteria. In applying these tenure procedures for faculty librarians, the Director of Library Services acts in place of both dean and department head. If the candidate decides to withdraw the application, he/she must do so by October 17 or February 21.

(A faculty member who is hired to begin work at Marywood in the spring semester submits a tenure application in the spring of his/her sixth year. For the spring semester dates of submission of the application, refer to the procedures in the *Promotion of Faculty Members* policy.)

If a due date below falls on a weekend or a holiday, the due date becomes the next business day.

1. By September 1 or January 3, the faculty member initiates the process by submitting the *Notification of Application for Tenure* form to the Chair of the Rank and Tenure Committee. The Chair will be responsible for providing a list of candidates who are applying for tenure to the Vice President for Academic Affairs, the appropriate dean(s), and the head of the applicant's academic department.
2. By September 21 or January 21, the applicant submits paper copies of the *Application for Tenure* form, together with an up-to-date curriculum vitae and a narrative not to exceed an equivalent of 100 printed pages in 12-point font to the head of the applicant's department. (If the applicant is the department head, the senior member of the department functions as the department head during these procedures.) The candidate may submit supplementary materials in the form of appendices. The application must be structured based on how the tenure criteria section of the handbook is organized. The document must be numbered sequentially, include definitions of terms related to one's discipline, and carefully proofread. All annual evaluations of the candidate written by the appropriate dean and the department head must be included in the application materials. The Vice President's report to the candidate on the results of his/her 3 year pre-tenure review must be included.
3. The department head notifies the department's full-time, tenured and tenure-track faculty members that the application is available for their review. The Chair of the Rank and Tenure Committee notifies the tenured members of the applicant's department of their responsibility to complete the *Confidential Colleague Evaluation Form*. Each tenured faculty member is to submit the *Confidential Colleague Evaluation Form* to the Chair of the Rank and Tenure Committee by September 28 or January 28.

If a candidate for tenure is the chair of a department, the most senior tenured member of the department acts as chair during the tenure process. If no senior tenured faculty member is available, the Rank and Tenure Committee, in consultation with the appropriate dean and the candidate, chooses a senior tenured faculty member from another department to act as chair.

Once an untenured faculty member submits a pre-tenure file to the Rank and Tenure Committee, he/she completes by September 28 or January 28 the *Confidential Colleague Evaluation* form for tenure applications that originate in his/her department.

4. By October 7 or February 7, the department head submits to the dean of the appropriate college all application materials and a recommendation letter that is based on a thorough review of the

application documents. By this date, the department head also submits to the applicant a copy of the same recommendation letter.

5. By October 17 or February 21, the appropriate dean or the Director of Library Services reviews the evaluation of the department head when applicable and submits to the Chair of the Rank and Tenure Committee a recommendation letter and all application materials. The recommendation letter is to be based on a thorough review of the application materials.
6. The Rank and Tenure Committee evaluates the application and submits its recommendation, vote, and materials upon which the recommendation was based to the Vice President for Academic Affairs.
7. Having received all materials by November 21 or March 20, the Vice President for Academic Affairs evaluates the application with its accompanying documents, and submits a recommendation with the materials on which it is based to the President of the University. This includes the Rank and Tenure Committee's recommendation and vote, all other recommendations, and all application and evaluative documentation.
8. Having received the documents by January 10 or April 15, the President of the University reviews them and renders a final decision. The President or the Vice President for Academic Affairs informs the faculty member of the status of the application, including the recommendations of all reviewing bodies. In the case of a negative decision, the criteria not met are communicated to the applicant.

All materials submitted by the applicant will be returned at the conclusion of the process.

Criteria

The candidate for tenure must:

1. have completed all formal educational requirements in the relevant academic field, judged necessary to meet the needs of the department and the University;
2. have achieved at least the rank of Associate Professor or, if currently an Assistant Professor, must apply for promotion to Associate Professor and Tenure at the same time and may do so with the submission of a single document using the tenure criteria;
3. have evidenced an expertise needed by one's department or a related department, which may include developing new courses and teaching a diversity of courses as needed, or in the case of faculty librarians by developing new library services and initiatives;
4. have demonstrated consistently effective teaching/librarianship ability as attested to by the evaluation procedures of the University;
5. have provided service to students extending beyond the teaching/librarianship function to student advisement and direction;
6. have evidenced accomplishment and promise in research, scholarship, publication, and/or creative achievement;
7. have evidenced membership and involvement in the activities of professional societies;
8. have demonstrated significant involvement in community service related to the mission, goals or core values of the University, and the University community's academic, cultural, administrative, and student affairs.

Procedures for Pre-Tenure Review

A pre-tenure review system evaluates the first three years of each tenure-track faculty member's

progress toward tenure.

The candidate submits pre-tenure review materials in the fall of his/her fourth year. The candidate must notify the Chair of the Rank and Tenure Committee by September 1 or January 3 of his/her intent to submit materials. The candidate must submit the materials to the appropriate department chairperson by September 10 or January 12. By September 20 or January 22 the department chair submits to the appropriate dean all pre-tenure materials and an evaluation letter based on a thorough review of the pre-tenure documents. By October 1 or February 1 the Dean submits all materials to the Chair of Rank and Tenure along with an evaluation letter based on a thorough review of all pre-tenure materials.

Pre-tenure review materials should be no more than 35 pages (12-point font). The document should be numbered sequentially, include definitions of terms related to one's discipline, be proofread carefully and contain no appendices.

The pre-tenure portfolio should include:

1. a description of the pre-tenure candidate's progress to date in fulfilling each of the criteria for tenure (organized according to the tenure criteria section above);
2. the dean's detailed evaluation, or in the case of library faculty, the Director of the Library's evaluation of the pre-tenure candidate's portfolio, which must include a summative statement of the pre-tenure candidate's progress toward tenure;
3. the department chairperson's detailed evaluation of the pre-tenure candidate's portfolio, which must include a summative statement of the pre-tenure candidate's progress toward tenure;
4. tables that compile the pre-tenure candidate's teaching evaluations, including department, college, and University teaching evaluation means;
5. a self-assessment of the pre-tenure candidate's scholarly/creative work (e.g., selectivity of venues, impact of articles, citations);
6. the pre-tenure candidate's reflection on his/her teaching/librarianship;
7. the pre-tenure candidate's reflection on his/her service;
8. the pre-tenure candidate's description of his/her scholarship/creative activity agenda/plan.

Pre-tenure faculty members must structure their annual self-evaluations based on guidelines for the tenure application portfolio as described in the *Tenure* policy.

Deans and chairs must organize their responses to pre-tenure faculty members' self-evaluations and pre-tenure portfolios based on how the tenure section of handbook is organized. These responses must take into account departmental standards for scholarship/creative activity.

Model pre-tenure files are available in the office of the Vice President for Academic Affairs for the pre-tenure candidate's review.

Pre-Tenure Review Procedures

If a due date below falls on a weekend or a holiday, the due date becomes the next business day.

1. By September 1 or January 3, the faculty member initiates the process by submitting the Notification of Submission of Pre-Tenure Materials form to the Chair of the Rank and Tenure Committee. The Chair will be responsible for providing a list of faculty members who are submitting pre-tenure materials to the Vice President for Academic Affairs, the appropriate dean(s), and the head of the individual faculty member's academic department.

2. By September 10 or January 12, the faculty member submits to the department chairperson pre-tenure review materials of no more than 35 pages (12-point font). (If the applicant is the department head, the senior member of the department functions as the department head during these procedures.) The submitted materials must be structured based on how the tenure criteria section of the handbook is organized. The document must be numbered sequentially, include definitions of terms related to one's discipline, and carefully proofread. All annual evaluations of the candidate written by the appropriate dean and the department head must be included as part of the 35-page application.
3. By September 20 or January 22, the department head submits to the dean of the appropriate college all pre-tenure materials and an evaluation letter that is based on a thorough review of the pre-tenure documents.
4. By October 1 or February 1, the appropriate dean or the Director of Library Services reviews the evaluation of the department head when applicable and submits to the Chair of the Rank and Tenure Committee an evaluation letter and all pre-tenure materials. The evaluation letter is to be based on a thorough review of the pre-tenure materials.
5. The Rank and Tenure Committee evaluates the pre-tenure materials and submits its evaluation and the materials upon which the evaluation was based to the Vice President for Academic Affairs.
6. Having received all materials by October 21 or February 21, the Vice President for Academic Affairs evaluates the pre-tenure materials and accompanying documents.
7. By November 15 or March 15, the Vice President for Academic Affairs responds to the faculty member with an evaluation letter that is based on a thorough review of the pre-tenure material.

Related Policies

- Promotion of Faculty Members
- Evaluation of Faculty Members
- Contractual Agreements with Faculty Members

History

07/01/89 - Reaffirmed with publication of Faculty Manual

04/16/99 - Sentence re degrees from various institutions moved to *Qualifications for Appointment to Rank* policy as recommended by the Policy Committee of the University

03/22/00 - Reference to retirement age deleted at Executive Committee meeting of the Policy Committee of the University

07/01/03 - Editorial changes made to reflect academic restructuring

04/20/04 - Revision approved by the President of the University as recommended by the Policy Committee of the University to include faculty librarians

12/02/05 - Revision approved by the President of the University as recommended by the Policy Committee of the University

01/19/08 - Amended to reflect that decisions on rank and tenure are made by the President of the University

05/02/08 and 5/05/08 - Revision approved by the President of the University as recommended by the Policy Committee of the University

06/24/09 - Revision approved by the President of the University as recommended by the Executive Committee of the Policy Committee of the University.

09/09/09 - Change in Procedure No. 4 recommended by the Provost and Vice President for Academic Affairs and approved.

05/04/10 - Revision approved by the President of the University as recommended by the Executive Committee of the Policy Committee of the University. 12/09/11 - Revision approved by the President of the University as recommended by the Policy Committee of the University.

12/09/11 - Revision approved by the President of the University as recommended by the Policy Committee of the University.

Mary T. Gardier Paterson, Esquire | Secretary of the University | mtgpaterson@marywood.edu

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570-348-6211 | toll free: 1-TO-MARYWOOD

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Comments to Marywood University Web Development Office: webber@marywood.edu

Exhibit 14

Subject: Confirmation of Meeting 1-23-12

From: Patricia Dunleavy (dunleavy@marywood.edu)

To: fffagal@yahoo.com;

Date: Monday, January 23, 2012 2:14 PM

This email will confirm the conversation that you had with Sr. Anne Munley this morning. In that meeting you admitted to Sr. Anne Munley that you authored the videos depicting the executive officers of Marywood University as Nazi officers. The University knows that you distributed these videos to a number of individuals using their Marywood University email addresses. Sr. Anne Munley provided you with several opportunities to explain your actions or to provide any information you thought she should consider regarding your actions concerning the videos. You declined her invitation. Thereafter, Sister Anne Munley suspended you with pay and asked you to return your keys and ID to me. Sr. Anne Munley will notify you of her decision regarding your status with the University via your personal email (fffagal@yahoo.com) and by mail to your home address (17 East Lake Street, Skaneateles NY 13152). You can make arrangements with me to pick up the remainder of your personal items from your office. In the meantime, if you have any questions please direct them to me.

Patricia E. Dunleavy, Ph.D.
Assistant Vice President for Human Resources
Marywood University
2300 Adams Avenue
Scranton PA 18509
dunleavy@marywood.edu
570-348-6220 phone
570-961-4740 fax

Exhibit 15



Dr Patricia E Dunleavy <dunleavy@maryu.marywood.edu>

Important Information from Sister Anne

Frances D Ferrese <ferrese@maryu.marywood.edu>

Tue, Jan 24, 2012 at 1:11 PM

To: fffagal@yahoo.com

Bcc: dunleavy@marywood.edu

Dr. Fagal,

Please see attached documents from Sister Anne.

—
Frances D. Ferrese
Executive Secretary to the President
Marywood University
Immaculata Hall #107
2300 Adams Avenue
Scranton, PA 18509-1598
Phone: 570-348-6231
FAX: 570-340-6014
E-mail: ferrese@marywood.edu

9 attachments

**Fagal 1-24-12.pdf**

100K

**Letter of Agreement.pdf**

44K

**Tenure.pdf**

434K

**Civil Rights Policy.pdf**

121K

**Conditions of Computer Use.pdf**

215K

**Academic Freedom.pdf**

96K

**Professional Ethics.pdf**

115K

**Mission & Core Values.pdf**

75K

**Release.pdf**

31K



Marywood

UNIVERSITY

OFFICE OF THE PRESIDENT

MARYWOOD UNIVERSITY
SCRANTON, PA 18509-1598
TEL: (570) 348-6231
FAX: (570) 340-6014
ANNEMUNLEY@MARYWOOD.EDU
WWW.MARYWOOD.EDU

January 24, 2012

Dr. Frederick Fagal
17 East Lake Street
Skaneateles NY 13152

Sent via email (fffagal@yahoo.com), certified mail, regular mail

Re: Recommendation for Termination

Dear Dr. Fagal:

In follow up to our meeting yesterday, I am writing to Inform you that I am recommending that your tenure and employment with Marywood be terminated immediately; the University will, however, pay you the remainder of your 2011-12 Agreement and keep you on benefits through August, 2012. This recommendation comes after much consideration of and reflection on your actions which I find to be highly offensive and directly contrary to Marywood's Mission and Values, your tenure agreement and your obligation as an employee of this University to conduct yourself in accordance with our policies and values.

As you know, our values include:

- A commitment to spiritual, ethical and intellectual values in the context of a faith community.
- Respect for the value of each human being, for diversity in the context of vibrant community, and for the earth and all creation.

After reviewing the subtitles you authored and transposed onto a film depicting Adolf Hitler and the Nazi regime, I find that you deliberately and maliciously violated our principles and your commitment to this University by: 1) depicting Executive Officers and me in an offensive and hostile light, including making highly inappropriate comments about family members of these individuals; 2) used sexually explicit, offensive and insulting language; and 3) portrayed an image of Marywood in a manner that was an affront to the University community as a whole. As a result, I am recommending that your tenure and employment be terminated and provide you the following Statement of Charges:

- Violation of Tenure Policy which includes "a strong acceptance by the individual (requesting tenure) of the mission, goals and objective of the University";
- Violation of Civil Rights Policy (re in particular harassment of Dr. Levine and his family and other personal attacks on executive officers) which states that "Marywood

An education inspired by the Sisters, Servants of the Immaculate Heart of Mary.

- Violation of Professional Ethics Policy which states that professors "do not discriminate against or harass colleagues"; and
- Violation of the University's Mission and Values as well as the principles of collegiality.

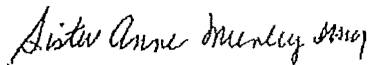
I have attached a copy of your 2011-12 Letter of Agreement and the above policies so that you have them. They can also be found on our website.

As a result of this recommendation, I am prepared to send this statement of charges to a duly appointed faculty committee for review along with the emails and videos you forwarded to members of our community. In order to do so, I would ask that you please sign and return to me the attached authorization granting the University permission to do so.

Please respond no later than Friday, February 3, 2012. Should you choose not to grant permission or would like to decline the offer to have a faculty committee review my recommendation, I will finalize my recommendation.

If you have any questions regarding this matter, you may direct them to me or to Dr. Dunleavy.

Very truly yours,



Sister Anne Munley, IHM
President

Enclosures:

2011-12 Letter of Agreement
Tenure Policy
Civil Rights Policy
Conditions of Computer Use Policy
Academic Freedom Policy
Professional Ethics Policy
Marywood University Mission and Core Values
Release of Personal Information Authorization Form



Marywood

UNIVERSITY

Tenured Faculty
Letter of Agreement
2011-2012 Academic Year

May 10, 2011

Dr. Frederick F. Fagal, Jr.
17 East Lake Street
Skenesateles, NY 13152

Dear Dr. Fagal, Jr.,

This Letter of Agreement is offered to you for the 2011-2012 Academic Year. In accord with the agreed upon Salary Plan, your salary reflects a 2.5% annual increase of \$1,850.00.

Other terms of this agreement are as follows:

Term:	8/22/2011 to 5/10/2012
Type of Appointment:	Full-Time (9 months) Tenure
Rank:	Associate Professor
College:	Liberal Arts & Sciences
Department:	Social Science
Responsible to:	Department Chairperson
Salary:	\$76,196.00

Faculty members must apply for benefits other than Social Security and Worker's Compensation through the Human Resources Department. Full-time faculty benefits include health, dental, long-term disability, group life, and accidental death and dismemberment under the Flexible Benefits Plan. Elections are made by June 1 of each year for the subsequent fiscal year beginning July 1. Retirement contributions by the University vary based on the contribution level selected by the faculty member. The appropriate government forms, including Form W-4 and I-9, must be completed and on file in the Human Resources Department.

This agreement is valid for one month from the date of this letter. The original copy of this Letter of Agreement must be signed and returned to my office by June 10, 2011. If you do not return the original signed copy by June 10, it will be assumed that you are not returning to Marywood. On behalf of the Board of Trustees and myself, I express our gratitude for your dedicated service and commitment to Marywood University. May God continue to bless you.

Sincerely,

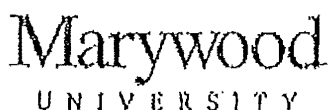
Aster Anne Munley, Ph.D.

Anne Munley, IHM, Ph.D.
President

Agreed this 25 day of May, 2011

Signature

Frederick F. Fagal, Jr.



Policies and Procedures Manual: Tenure



Policy Statement

Tenure is a term designating permanent and continuous appointment for a full-time faculty member. It implies a mutual commitment on the part of the faculty member and the University and cannot be taken lightly.

Once tenure is granted, it will be discontinued only for grave reason, which may include moral turpitude, flagrant abuse of academic freedom, or professional incompetence. In addition, as expressed in its *Retrenchment of Faculty* policy, the University may be required to discontinue tenure because of severe financial exigencies or reorganization of the department and/or curriculum resulting in lack of need.

The commitment of a faculty member who requests tenure is as deep and binding on the faculty member as it is on the University. Just as the conferring of tenure by the University recognizes the competence of an individual faculty member, submission to the University of an application for tenure suggests a strong acceptance by that individual of the mission, goals and objectives of the University. The request represents a commitment to work jointly with faculty, students, administrators and staff for the growth and welfare of the University. It is a commitment to devote one's energies to continued personal development and continued high levels of achievement as a member of the Marywood academic community. It is an assertion of career goals; it is expected that a faculty member will not lightly withdraw from this relationship.

The probationary period shall not exceed seven years of full-time teaching/librarianship at Marywood, with application for tenure being made in the sixth year. Successful candidates receive a tenure contract for the seventh year; unsuccessful candidates receive a one-year terminal contract for the seventh year. Faculty members on leave during the probationary period must follow the University's policy on leaves. Interrupted service at Marywood University and also prior service at another regionally accredited, four-year college or university may be credited toward the fulfillment of the probationary period. Such credit will be determined by the Vice President for Academic Affairs.

Tenure occurs by action of the President of the University.

Definitions

This revised *Tenure* policy is effective January 1, 2012. Faculty members whose date of hire as full time is before January 1, 2012, may choose the policy in effect prior to that date if they wish.

Procedures

Procedures for Tenure Consideration

A candidate for tenure must submit a *Notification of Application for Tenure* form and submit relevant data and documentation in the sixth year of the probationary period, according to the deadline dates noted below. The candidate for tenure is encouraged to meet with the dean and chairperson during the summer prior to submission to discuss the application. The intent of this review is to afford the dean and chairperson the opportunity to offer the candidate informal guidance that will help the candidate to make the strongest case possible for tenure. The candidate is also encouraged to meet with the tenured members of the department one year before submission of the application to identify areas of strength and weakness in meeting the tenure criteria. In applying these tenure procedures for faculty librarians, the Director of Library Services acts in place of both dean and department head. If the candidate decides to withdraw the application, he/she must do so by October 17 or February 21.

(A faculty member who is hired to begin work at Marywood in the spring semester submits a tenure application in the spring of his/her sixth year. For the spring semester dates of submission of the application, refer to the procedures in the *Promotion of Faculty Members* policy.)

If a due date below falls on a weekend or a holiday, the due date becomes the next business day.

1. By September 1 or January 3, the faculty member initiates the process by submitting the *Notification of Application for Tenure* form to the Chair of the Rank and Tenure Committee. The Chair will be responsible for providing a list of candidates who are applying for tenure to the Vice President for Academic Affairs, the appropriate dean(s), and the head of the applicant's academic department.
2. By September 21 or January 21, the applicant submits paper copies of the *Application for Tenure* form, together with an up-to-date curriculum vitae and a narrative not to exceed an equivalent of 100 printed pages in 12-point font to the head of the applicant's department. (If the applicant is the department head, the senior member of the department functions as the department head during these procedures.) The candidate may submit supplementary materials in the form of appendices. The application must be structured based on how the tenure criteria section of the handbook is organized. The document must be numbered sequentially, include definitions of terms related to one's discipline, and carefully proofread. All annual evaluations of the candidate written by the appropriate dean and the department head must be included in the application materials. The Vice President's report to the candidate on the results of his/her 3 year pre-tenure review must be included.
3. The department head notifies the department's full-time, tenured and tenure-track faculty members that the application is available for their review. The Chair of the Rank and Tenure Committee notifies the tenured members of the applicant's department of their responsibility to complete the *Confidential Colleague Evaluation Form*. Each tenured faculty member is to submit the *Confidential Colleague Evaluation Form* to the Chair of the Rank and Tenure Committee by September 28 or January 28.

If a candidate for tenure is the chair of a department, the most senior tenured member of the department acts as chair during the tenure process. If no senior tenured faculty member is available, the Rank and Tenure Committee, in consultation with the appropriate dean and the candidate, chooses a senior tenured faculty member from another department to act as chair.

Once an untenured faculty member submits a pre-tenure file to the Rank and Tenure Committee, he/she completes by September 28 or January 28 the *Confidential Colleague Evaluation* form for tenure applications that originate in his/her department.

4. By October 7 or February 7, the department head submits to the dean of the appropriate college all application materials and a recommendation letter that is based on a thorough review of the

application documents. By this date, the department head also submits to the applicant a copy of the same recommendation letter.

5. By October 17 or February 21, the appropriate dean or the Director of Library Services reviews the evaluation of the department head when applicable and submits to the Chair of the Rank and Tenure Committee a recommendation letter and all application materials. The recommendation letter is to be based on a thorough review of the application materials.
6. The Rank and Tenure Committee evaluates the application and submits its recommendation, vote, and materials upon which the recommendation was based to the Vice President for Academic Affairs.
7. Having received all materials by November 21 or March 20, the Vice President for Academic Affairs evaluates the application with its accompanying documents, and submits a recommendation with the materials on which it is based to the President of the University. This includes the Rank and Tenure Committee's recommendation and vote, all other recommendations, and all application and evaluative documentation.
8. Having received the documents by January 10 or April 15, the President of the University reviews them and renders a final decision. The President or the Vice President for Academic Affairs informs the faculty member of the status of the application, including the recommendations of all reviewing bodies. In the case of a negative decision, the criteria not met are communicated to the applicant.

All materials submitted by the applicant will be returned at the conclusion of the process.

Criteria

The candidate for tenure must:

1. have completed all formal educational requirements in the relevant academic field, judged necessary to meet the needs of the department and the University;
2. have achieved at least the rank of Associate Professor or, if currently an Assistant Professor, must apply for promotion to Associate Professor and Tenure at the same time and may do so with the submission of a single document using the tenure criteria;
3. have evidenced an expertise needed by one's department or a related department, which may include developing new courses and teaching a diversity of courses as needed, or in the case of faculty librarians by developing new library services and initiatives;
4. have demonstrated consistently effective teaching/librarianship ability as attested to by the evaluation procedures of the University;
5. have provided service to students extending beyond the teaching/librarianship function to student advisement and direction;
6. have evidenced accomplishment and promise in research, scholarship, publication, and/or creative achievement;
7. have evidenced membership and involvement in the activities of professional societies;
8. have demonstrated significant involvement in community service related to the mission, goals or core values of the University, and the University community's academic, cultural, administrative, and student affairs.

Procedures for Pre-Tenure Review

A pre-tenure review system evaluates the first three years of each tenure-track faculty member's

progress toward tenure.

The candidate submits pre-tenure review materials in the fall of his/her fourth year. The candidate must notify the Chair of the Rank and Tenure Committee by September 1 or January 3 of his/her intent to submit materials. The candidate must submit the materials to the appropriate department chairperson by September 10 or January 12. By September 20 or January 22 the department chair submits to the appropriate dean all pre-tenure materials and an evaluation letter based on a thorough review of the pre-tenure documents. By October 1 or February 1 the Dean submits all materials to the Chair of Rank and Tenure along with an evaluation letter based on a thorough review of all pre-tenure materials.

Pre-tenure review materials should be no more than 35 pages (12-point font). The document should be numbered sequentially, include definitions of terms related to one's discipline, be proofread carefully and contain no appendices.

The pre-tenure portfolio should include:

1. a description of the pre-tenure candidate's progress to date in fulfilling each of the criteria for tenure (organized according to the tenure criteria section above);
2. the dean's detailed evaluation, or in the case of library faculty, the Director of the Library's evaluation of the pre-tenure candidate's portfolio, which must include a summative statement of the pre-tenure candidate's progress toward tenure;
3. the department chairperson's detailed evaluation of the pre-tenure candidate's portfolio, which must include a summative statement of the pre-tenure candidate's progress toward tenure;
4. tables that compile the pre-tenure candidate's teaching evaluations, including department, college, and University teaching evaluation means;
5. a self-assessment of the pre-tenure candidate's scholarly/creative work (e.g., selectivity of venues, impact of articles, citations);
6. the pre-tenure candidate's reflection on his/her teaching/librarianship;
7. the pre-tenure candidate's reflection on his/her service;
8. the pre-tenure candidate's description of his/her scholarship/creative activity agenda/plan.

Pre-tenure faculty members must structure their annual self-evaluations based on guidelines for the tenure application portfolio as described in the *Tenure* policy.

Deans and chairs must organize their responses to pre-tenure faculty members' self-evaluations and pre-tenure portfolios based on how the tenure section of handbook is organized. These responses must take into account departmental standards for scholarship/creative activity.

Model pre-tenure files are available in the office of the Vice President for Academic Affairs for the pre-tenure candidate's review.

Pre-Tenure Review Procedures

If a due date below falls on a weekend or a holiday, the due date becomes the next business day.

1. By September 1 or January 3, the faculty member initiates the process by submitting the Notification of Submission of Pre-Tenure Materials form to the Chair of the Rank and Tenure Committee. The Chair will be responsible for providing a list of faculty members who are submitting pre-tenure materials to the Vice President for Academic Affairs, the appropriate dean(s), and the head of the individual faculty member's academic department.

2. By September 10 or January 12, the faculty member submits to the department chairperson - pre-tenure review materials of no more than 35 pages (12-point font). (If the applicant is the department head, the senior member of the department functions as the department head during these procedures.) The submitted materials must be structured based on how the tenure criteria section of the handbook is organized. The document must be numbered sequentially, include definitions of terms related to one's discipline, and carefully proofread. All annual evaluations of the candidate written by the appropriate dean and the department head must be included as part of the 35-page application.
3. By September 20 or January 22, the department head submits to the dean of the appropriate college all pre-tenure materials and an evaluation letter that is based on a thorough review of the pre-tenure documents.
4. By October 1 or February 1, the appropriate dean or the Director of Library Services reviews the evaluation of the department head when applicable and submits to the Chair of the Rank and Tenure Committee an evaluation letter and all pre-tenure materials. The evaluation letter is to be based on a thorough review of the pre-tenure materials.
5. The Rank and Tenure Committee evaluates the pre-tenure materials and submits its evaluation and the materials upon which the evaluation was based to the Vice President for Academic Affairs.
6. Having received all materials by October 21 or February 21, the Vice President for Academic Affairs evaluates the pre-tenure materials and accompanying documents.
7. By November 15 or March 15, the Vice President for Academic Affairs responds to the faculty member with an evaluation letter that is based on a thorough review of the pre-tenure material.

Related Policies

- Promotion of Faculty Members
- Evaluation of Faculty Members
- Contractual Agreements with Faculty Members

History

07/01/89 - Reaffirmed with publication of Faculty Manual
 04/16/99 - Sentence re degrees from various institutions moved to *Qualifications for Appointment to Rank* policy as recommended by the Policy Committee of the University
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 06/24/09 - Revision approved by the President of the University as recommended by the Executive Committee of the Policy Committee of the University.

Policy Detail - Marywood University

<http://www.marywood.edu/policy/detail.html?id=169089&crumbTra..>

09/09/09 - Change in Procedure No. 4 recommended by the Provost and Vice President for Academic Affairs and approved.

05/04/10 - Revision approved by the President of the University as recommended by the Executive Committee of the Policy Committee of the University. 12/09/11 - Revision approved by the President of the University as recommended by the Policy Committee of the University.

12/09/11 - Revision approved by the President of the University as recommended by the Policy Committee of the University.

Mary T. Gardier Paterson, Esquire | Secretary of the University | mtgpaterson@marywood.edu

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Comments to Marywood University Web Development Office: webber@marywood.edu



Policies and Procedures Manual: Civil Rights Policy



Policy Statement

Marywood University declares and reaffirms a policy of equal educational and employment opportunity and non-discrimination in the provision of educational and other services to the public. Marywood University does not condone and will not tolerate discrimination, harassment, or assault by any member of the Marywood community upon another individual, regardless of whether the action is based on race, sex, color, national or ethnic origin, age, creed, ancestry, religion, disability, or any other legally protected status. Marywood University will make reasonable accommodations to known physical or mental limitations of otherwise qualified individuals with disabilities unless doing so would impose an undue hardship on the University. Any person who believes he or she may require such accommodation should contact the Assistant Vice President for Human Resources and Affirmative Action Officer.

Marywood University is committed to take all necessary steps to comply with any obligations it may have under Section 504 of the Rehabilitation Act, the Americans with Disabilities Act, and Title IX of the Civil Rights Act of 1964, as amended. These are explicit civil and legal applications of the formulation of beliefs already cherished in Marywood's religious commitment, objectives, and practices.

Definitions

Sexual Harassment

Marywood University adopts the following definition of sexual harassment based on the statement endorsed by the American Association of University Professors, revised June 1995, and considers it applicable to the entire Marywood community:

Sexual advances, requests for sexual favors, and other conduct of a sexual nature constitute sexual harassment when:

1. such advances or requests are made under circumstances implying that one's response might affect academic or personnel decisions that are subject to the influence of the person making the proposal; or
2. such speech or conduct is directed against another and is either abusive or severely humiliating and/or persists despite objection of the person targeted by the speech or conduct; or
3. such speech or conduct is reasonably regarded as offensive and substantially impairs the academic or work opportunity of students, colleagues, or co-workers. If it takes place in the teaching context, it must also be severe, pervasive, and not germane to the subject matter. The academic setting is distinct from the workplace in that wide latitude is required for professional judgment in determining the appropriate content and presentation of academic material.

Sexual Assault

Sexual assault is defined as threats of, or deliberate physical contact of a sexual nature that is against another person's will or without consent. Examples of such behavior include, but are not limited to the following:

1. deliberate physical contact of a lewd type, including brushing, touching, grabbing, pinching, patting, hugging and kissing;
2. deliberate or reckless threats, actual or implied, of physical contact of a sexual nature that results in reasonable fear of sexual assault or physical harm;
3. coerced sexual activities, including rape. Rape, the most severe type of sexual assault, is legally defined in Pennsylvania as sexual intercourse that is coerced through force or threats of force, or with someone who is unconscious or with someone who is so mentally deranged or deficient as to be incapable of consent.

Procedures

In furtherance of Marywood University's commitment to its duties and obligations, regular training on harassment, discrimination and related topics is provided for managers and supervisors in the Marywood community.

A list of Marywood University and community resources is available at the Human Resources Office.

History

11/03/97 - Reaffirmed by Board of Trustees and Members of the Corporation

04/15/00 - Revision approved by the Board of Trustees

Mary T. Gardier Paterson, Esquire | Secretary of the University | mtgpaterson@marywood.edu

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Policies and Procedures Manual: Conditions of Computer Use



Policy Statement

Users of Marywood University computing facilities and services are held to high ethical standards. These conditions of use are based on the "spiritual, ethical and religious values and a tradition of service" expressed in the Mission Statement of the University. They underscore responsible, ethical, legal, and secure use of the campus-wide information system, and they derive from standards of common sense and common decency that apply to any shared resource. Responsibility extends to access, use of information, and distribution of data.

Marywood University administrators, faculty members, staff, and students may use the computers in all public computing facilities for research work and classroom assignments. Within the limitations of lab scheduling, students have priority over others for use of the facilities. Anyone who is not a currently enrolled student or employee may use the public facilities only at the discretion of University staff. Marywood University does not assume any liability for data loss. Those who use its computers do so at their own risk. Use of administrative computers is authorized with the permission of the appropriate department head.

Access to the Marywood computer system is not a right, but a privilege. When individuals log on to the University's computer system, they become responsible for adhering to University policy and state and federal laws governing individual privacy rights and confidentiality. The following list is not all-inclusive:

1. They respect the privacy of others by not attempting to access their accounts or tampering with their data.
2. They honor the intellectual rights of others by avoiding copyright infringement. This includes all Marywood University-owned computers, i.e., computers purchased with University funds.
3. They respect the policies and procedures of external networks, such as the Internet and systems that can be accessed via the Internet.
4. They do not make or use unauthorized copies of copyrighted or licensed programs or data. They only use authorized copies in full accord with the license agreement and national and international laws.
5. They do not attempt to bypass any security system in order to access privileged information or alter existing interfaces.
6. They do not develop or use programs, transactions, data, or processes that harass other users, infiltrate the system, or damage or alter data or software.
7. They do not develop or use mechanisms to alter University records.

8. They do not load or use personal or existing programs that affect the stability of systems, or use programs in an attempt to hinder or harass others.
9. They do not load software in classroom or computer labs, drop-in facilities, or other University-owned computers.
10. They use only their own User ID and password; rights to individual accounts are not transferable. All members of the University community are responsible for securing their passwords. All passwords are to be treated as confidential University information.
11. They respect the civil rights of others to an open and hospitable environment, regardless of race, sex, color, national or ethnic origin, age, creed, ancestry, religion, disability, or any other legally protected status, and with respect to sexual harassment including e-mailing inappropriate messages.
12. They do not use University owned or operated computers for a personal business.
13. They do not open or download pornographic materials or other materials that violate the Mission Statement of the University.
14. They use resources efficiently, avoiding printing large amounts of unnecessary information or downloading files for long periods of time.
15. They do not damage or alter equipment or software either physically or with a virus. They do not bring food or drink into computer labs, drop-in areas, near computers or computer-related equipment.
16. They abide by an instructor's requirements for computer use, including participation in an on-line course or in a listserv. They honor an instructor's right to allow or disallow use of a computer while the room is in use for instructional purposes. They do not disrupt a class that is being held in a computer lab or other technologically oriented facility, such as broadcast studio or video conferencing room.

Marywood University reserves the right to monitor and record any action performed while using the computer system. An audit trail is kept by system management software. If it is determined that use is contrary to Marywood policy, the appropriate department may examine the user's actions. If computing staff members suspect that any of these conditions are being violated, staff will initiate an investigation through the appropriate agency on campus. During the investigation, the account in question and all computing services may be suspended.

Privacy is neither a goal nor a condition of the University's computing system. There is not an expectation of privacy with regard to the information stored on University-owned or operated computers or, when applicable, other computers attached to the Marywood University network; and there are no specific laws, rules, or regulations that protect the privacy of a user's files, electronic mail messages, or any other information retrieved as a result of a person's session on the Marywood system.

While Marywood University respects an individual's privacy whenever possible, it does have and will exercise its right to examine a University-owned or operated computer and its contents if there is a reasonable indication that it has been used to download or store illegal materials, such as pornography or illegal software.

Marywood University reserves the right to report suspected criminal offenses to civil authorities. Institutional disciplinary charges may be filed in addition to civil actions.

These conditions of use have been established for the protection of all users but provide neither absolute security nor unqualified privacy.

Definitions

System is used in a generic sense to refer to the aggregate of all hardware and software owned or licensed by Marywood University, including the network.

As a general matter, copyright infringement occurs when a copyrighted work is reproduced, distributed, performed, publicly displayed, or made into a derivative work without the permission of the copyright owner.

Procedures

Contact the Office of Information Technology with questions about

- computer network support of instructional, research, and service activities;
- computer network support of administrative activities;
- voice and data network design and maintenance, desk-top computer repairs and installations.

Related Policies

- Website Policy
- University Website Policy

Related Committees

Technology Advisory Committee
Academic Computing Advisory Committee

History

01/10/97 - Recommended to the President by the College Committee on Policy
02/06/97 - Approved by the President of the University with publication of The President's Memo
04/17/04 - Revision approved by the President of the University as recommended by the Policy Committee of the University
02/20/09 - Procedures changed in order to direct all questions to the Office of Information Technology

Mary T. Gardier Paterson, Esquire | Secretary of the University | mtgpaterson@marywood.edu

Policy Detail - Marywood University

<http://www.marywood.edu/policy/detail.html?id=95039&crumbTrai...>

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Policies and Procedures Manual: Academic Freedom



Policy Statement

Marywood University affirms its commitment to academic freedom. In so doing, it reaffirms its commitment to the tradition of higher learning that is the heritage of both the Roman Catholic Church and the nation. It is a tradition grounded on respect for truth, social responsibility and individual rights. It is a tradition that posits freedom of inquiry, open discussion and unrestricted exchange of ideas as essential to the pursuit of knowledge.

Marywood University upholds academic freedom as a fundamental condition for research and dissemination of information. The University is a center of discourse where inquiry is encouraged and discoveries are verified and refined by the interaction of scholar with scholar. Marywood University respects the right and responsibility of its faculty and students to conduct research, to publish their findings, and to discuss ideas according to the principles, sources and methods of their academic disciplines. These principles, sources and methods, as they develop over time, are not external to their respective disciplines. The University sanctions and encourages investigation of unexplored phenomena, advancement of knowledge, and critical examination of ideas, old and new. The University accepts the responsibility of protecting both teacher and student from being forced to deny truth that has been discovered or to assert claims that have not been established in the discipline. Teachers are entitled to freedom in the classroom in discussing their subject, but they should be careful not to introduce into their teaching material matter that has no relation to their subject.

Where the faculty is concerned, academic freedom presupposes, first of all, personal integrity in dealing with students, peers and officers of the University. Second, it presumes scholarly competence, observance of the professional standards of one's discipline, commitment to the stated mission of the University, and openness to having one's ideas and findings subjected to the judgment of one's peers. Third, faculty members have a responsibility as professional scholars to be accurate and judicious in their public statements, and respectful of the opinions and responsibilities of others.

Related Policies

- Professional Ethics
- Evaluation of Faculty Members
- Faculty Status

Related Committees

Policy Detail - Marywood University

<http://www.marywood.edu/policy/detail.html?id=166625&crumbTra...>

Institutional Review Board for the Protection of Human Participants

History

12/01/79 - Reaffirmed with publication of *Faculty Manual*

07/01/93 - Introduction and postscript added

07/01/03 - "Human Subejcts" changed to "Human Participants"

02/19/10 - Revision approved by the President of the University as recommended by the Policy Committee of the University

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Policies and Procedures Manual: Professional Ethics



Policy Statement

The American Association of University Professors recognizes that membership in the academic profession carries with it special responsibility. The Statement on Professional Ethics that follows sets forth general standards assumed by members of the profession.

Professors, guided by a deep conviction of the worth and dignity of the advancement of knowledge, recognize the special responsibilities placed upon them. Their primary responsibility to their subject is to seek and to state the truth as they see it. To this end, professors devote their energies to developing and improving their scholarly competence. They accept the obligation to exercise critical self-discipline and judgment in using, extending, and transmitting knowledge. They practice intellectual honesty. Although professors may follow subsidiary interests, these interests must never seriously hamper or compromise their freedom of inquiry.

As teachers, professors encourage the free pursuit of learning in their students. They hold before them the best scholarly and ethical standards of their discipline. Professors demonstrate respect for students as individuals and adhere to their proper roles as intellectual guides and counselors. Professors make every reasonable effort to foster honest academic conduct and to assure that their evaluations of students reflect each student's true merit. They respect the confidential nature of the relationship between professor and student. They avoid any exploitation, harassment, or discriminatory treatment of students. They acknowledge significant academic or scholarly assistance from them. They protect their academic freedom.

As colleagues, professors have obligations that derive from common membership in the community of scholars. Professors do not discriminate against or harass colleagues. They respect and defend the free inquiry of associates. In the exchange of criticism and ideas, professors show due respect for the opinions of others. Professors acknowledge academic debt and strive to be objective in their professional judgment of colleagues. Professors accept their share of faculty responsibilities for the governance of their institution.

As members of an academic institution, professors seek above all to be effective teachers and scholars. Although professors observe the stated regulations of the institution, provided the regulations do not contravene academic freedom, they maintain their right to criticize and seek revision. Professors give due regard to their paramount responsibilities within their institution in determining the amount and character of work done outside it. When considering the interruption or termination of their service, professors recognize the effect of their decision upon the program of the institution and give due notice of their intentions.

As members of their community, professors have the rights and obligations of other citizens. Professors measure the urgency of these obligations in the light of their responsibilities to their

subject, to their students, to their profession, and to their institution. When they speak or act as private persons, they avoid creating the impression of speaking or acting for their college or university. As citizens engaged in a profession that depends upon freedom for its health and integrity, professors have a particular obligation to promote conditions of free inquiry and to further public understanding of academic freedom.

Related Policies

- Teaching Responsibility
 - Librarianship Responsibility
 - Faculty Status
-

History

07/01/89 - Reaffirmed with publication of Faculty Manual

Mary T. Gardier Paterson, Esquire | Secretary of the University | mtgpaterson@marywood.edu

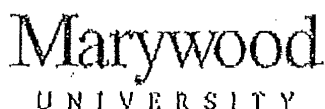
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President's Page: Marywood University Mission & Core Values

Mission Statement

A Catholic university sponsored by the Congregation of the Sisters, Servants of the Immaculate Heart of Mary, Marywood University roots itself in the principle of justice and a belief that education empowers people. Enacting its ideals, Marywood offers students a welcoming and supportive community that encourages men and women of all backgrounds to shape their lives as leaders in service to others. Proud of its liberal arts tradition and host of professional disciplines, Marywood challenges students to broaden their understanding of global issues and to make decisions based on spiritual, ethical, and religious values. Marywood calls upon students to seek their full potential and invites all to engage in a lifelong process of learning. Witnessing the efficacy of teaching and scholarship, Marywood educates students to live responsibly in a diverse and interdependent world.

Core Values

Catholic Identity

A commitment to spiritual, ethical and intellectual values in the context of a faith community.

Respect for Each Person

Respect for the value of each human being, for diversity in the context of vibrant community, and for the earth and all creation.

Empowerment

Education to enable access and to empower the underserved to take a full role in the life of the broader society.

Service

Rooted in the deep belief that learning and scholarship serve the global community is the belief in the value of the diverse types of work that support that service, and the preparation of students for leadership by participation in service.

Commitment to Excellence

The belief that the work of education has the capacity to forward the kingdom of God, in broad and varied ways, leads us to care passionately for the quality of the mission of Marywood.

President's Office | Fran Ferrese, Executive Secretary | (570) 348-6231 | ferrese@marywood.edu

Mission & Core Values - Marywood University

<http://www.marywood.edu/president/core-values.html>

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Release of Personal Information

Please check one box below; sign, date, and return by February 3, 2012

☐ I DO NOT grant permission for Marywood University to release Sister Anne Munley's Recommendation for Termination and Statement of Charges dated 1/24/12 to a faculty review committee comprised of tenured faculty. I understand that by refusing such permission that there will be no faculty committee review of Sister Anne Munley's decision to terminate my tenure and employment with the University prior to it being finalized.

OR

☐ I DO grant permission for Marywood University to release Sister Anne Munley's Recommendation for Termination and Statement of Charges dated 1/24/12 to a review committee comprised of tenured faculty.

This authorization is valid until rescinded by me in writing.

Frederick F. Fagal, Jr.

Date